



2003 Planning & Zoning Commission Minutes

January 15, 2003

February 5, 2003

February 19, 2003

February 26, 2003 **General Plan Amendment**

March 5, 2003

March 19, 2003

April 2, 2003

April 16, 2003

May 7, 2003

May 21, 2003

June 4, 2003

June 18, 2003

July 2, 2003

July 16, 2003

August 6, 2003

August 20, 2003

September 3, 2003

October 1, 2003

October 15, 2003

November 5, 2003

November 19, 2003

December 17, 2003

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, January 15, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:34 P.M.
2. Pledge of Allegiance lead by Mr. Flanders.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Ms. Jeanette Polvani
Mr. Michael Flanders	Ms. Tajuana Kemp
Mr. Mark Irby	

Absent & Excused: Mr. Rick Heumann

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Ms. Jodie Novak, Planner
Mr. Bob Weworski, Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY MS. POLVANI, seconded by MR. FLANDERS, to approve the minutes of the December 18, 2002 meeting. MOTION CARRIED UNANIMOUSLY (5 to 0).

5. CONSENT AGENDA

CHAIRMAN RYAN recommended items A, B, & E be approved on the Consent Agenda.

a. DVR02-0036/PPT02-0012 ADOBE TOWERS

CONTINUED, to February 5, 2003, Planning and Zoning Commission meeting, request for rezoning from AG-1 to Planned Area Development (PAD) for a 14-lot single-family residential subdivision with Preliminary Development Plan and Preliminary Plat approval for subdivision layout and housing product for an approximately 1.6 acre parcel located at 1250 W. Ray Road.

b. DVR02-0039 GE CAPITAL

CONTINUED, to March 5, 2003, Planning and Zoning Commission meeting, request for rezoning from AG-1 to PAD for a modular trailer storage, service, sales, and administrative facility with Preliminary Development Plan approval for an approximately 17-acre parcel located approximately 600 feet south of the southeast corner of Warner Road and Delaware Street.

e. PDP02-0025 WELLS FARGO OCOTILLO CORPORATE CENTER, PHASE 1A

APPROVED, request for Preliminary Development Plan approval for two office buildings and site development on a portion of a 63-acre commercial office site located at the northwest corner of Price and Queen Creek Roads.

Staff, finding consistency with the General Plan and current P.C.O. and PAD zoning, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Wells Fargo Ocotillo Corporate Center, Phase 1A" kept on file in the City of Chandler Current Planning Division, in File No. PDP02-025, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 3389, in case DVR02-0021 WELLS FARGO OCOTILLO CORPORATE CENTER, except as modified by condition herein.
3. All mechanical equipment and appurtenances shall be concealed and screened from view. Solid parapets are acceptable for screening, provided the height shall be equal to, or higher than, the highest point on the mechanical equipment.
4. Sign packages shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Adequate visual screening of the parking area along Price Road shall be achieved through the development of additional landscape berming, plant materials, and screen walls that provide a continuous visual screen of at least 30" above the curb level.
6. A public transportation plan shall be prepared through a separate Preliminary Development Plan application prior to construction and within 60 days of the Phase 1A Preliminary Development Plan approval. Any changes to the site layout as determined by the results of the transportation plan shall be incorporated into the Phase 1A improvement.

MOVED BY MS. KEMP, seconded by MS. POLVANI, to approve the Consent Agenda as presented by Staff. MOTION CARRIED UNANIMOUSLY (5 to 0).

6. ACTION ITEMS

d. DVR02-0041 ELLIS GATEWAY

MS. NOVAK presented the item stating this is a request to extend the conditional schedule for development for three years, remove, or determine compliance with the two year schedule for development that was originally approved with the zoning, or to cause the property to revert to the former AG-1 (Agricultural) zoning classification. The existing PAD on the property is a mix of uses including multi-family and an office/employment component on the southern portion of the site. This property was zoned in March 2001, for both multi-family and office/employment type uses. The uses are in conformance with the Area Plan for that area which was also amended at that time. The Area Plan originally designated this 40-acre property for multi-family and the amendment zone approved this 40-acre property to be a portion of multi-family and a portion for office/employment. The request is just to focus on the extension of the timing conditions. It was originally approved for two years. The property

owner and developer did not develop within the two-year time frame and are requesting to have an additional three years. According to State statute it is allowed for development timing.

Staff recommends approval of a three-year time extension as represented in case DVR02-0041 ELLIS GATEWAY per Staff recommendation and subject to conditions:

1. Compliance with the original stipulations adopted by the City Council as Ordinance 3252, case DVR00-0054 Ellis Gateway, except as modified in condition herein.
2. Right-of-way dedications to achieve full half widths for Ellis Street and Germann Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

MR. DAN KENNEDY, 1991 S. Tamarisk Dr., Chandler, states he knows developers bought the property and that it has been zoned for multi-family and office development, but he has the same questions he had two years ago. He went to the latest meeting and the response he got back from the City was that he had to talk to the developer. His main concern is that his lot faces the driveway entrance, the driveway is pointed right at the backside of his lot. The developer took the time and did a study for lights shining in. He proposed adding a few trees. He asked if there was a reason the main entrance could not be moved over to Ellis or moved on to the SRP. He did not have a problem with extending it for two years, but would like some consideration to take a deeper look into this. The developer is trying but because of the rules and regulations, the City needs to take a look and help the developer with what they can do to move the main entrance. When he first bought the property he knew Germann Road would expand, but was never aware that he would have a driveway pointing right at his backyard with the lights. He looked at a couple of alternatives, moving the driveway or the possibility of heightening the property wall between his property and his neighbors to the west. Another question that was never addressed two years ago was that Ellis Road on the Master Plan was shown to come out, turn around, and tie back into Dobson Road. He never heard a response as to why Ellis Road could not be brought over to Dobson Road. That would help relieve some of the traffic off Germann. People coming from the south coming up Dobson Road could take Ellis Road into either the multi-family or into the business park.

MR. FLANDERS asks what lights are being referenced to. MR. KENNEDY replies traffic headlights. He has a six-foot wall and the lights will be coming directly out at the back of their houses. MR. FLANDERS asks about the wall and landscaping. MR. KENNEDY said there is some landscaping. The developer looked into it with a few trees, but he did not feel that would solve the whole problem. Mr. Kennedy is looking at is the possibility of moving the driveway entrance down to the SRP just to the east. If it can be moved, then it would not interfere with him and his neighbors to the west.

MR. FLANDERS asks about the median break at that location if it was per the City standards. MS. NOVAK states at the time this project came through for rezoning part of the PAD the request was to waive the standard requirements for where a median break location could be. There are no other entrances, ingress/egress, north of this project for Brittany Heights. They do not have access from Germann Road, only from Ellis. The Traffic Department and City Transportation Engineer approved the median break at this location. It is set off from an eight mile point because there was no need to line it up with any other cross drive cut on the other side of the roadway. The developer has met with Mr. Kennedy and some of the other residents with their concerns to address maybe additional landscaping. Mark Taylor addressed the residents as to why it may not be a good idea for them to reconsider moving the driveway. It would create a lot of site planning changes for them. MR. FLANDERS asks if the median break lines up with the residential to the north and the apartments. MS. NOVAK states the break for the apartment complex directly north is just the rear yard and a six-foot perimeter wall for Brittany Heights. They do not have an entrance into the development directly across from the apartment. Germann Country

Estates, which is east of the SRP substation, does have their main entrance into and out of their development off of Germann but that is further east of this apartment property.

CHAIRMAN RYAN states it would have made sense to provide a secondary access point on Ellis. He asks Staff if they recall when zoning this what the reasoning was. MS. NOVAK said in the original ordinance, Condition 13, there was a stipulation that they would have to provide a secondary entrance onto Ellis. When this project does come forward with construction document review, there is an expectation to conform with the stipulation which reads that the site plan for the multi-family parcel shall be modified to add an Ellis Road access which may be used for both ingress/egress and emergency access or may be limited by the multi-family developed to egress only and emergency access and that they would eliminate the emergency access from the southwest corner of the parcel. There were some reconfigurations of the driveway but were required through stipulation that it would be done at the time they come back with construction document.

CHAIRMAN RYAN asks about the stipulation being both entrance and exit. MS. NOVAK replies the stipulation reads that it can be used for both ingress and egress and emergency access or it can be limited to egress only and emergency access which would mean they could choose to have it for residents to come in and to leave and it would also be another emergency access route or it would be an exit only onto Ellis that would also serve as the emergency access. Once it comes through the construction document review, that decision will probably be determined.

MR. KENNEDY states he got a letter from Ms. Novak stating they are going to wait to develop the north side of Germann Road. The only other question he had is if there was any possibility to accelerate at least the north half of Germann Road. With the drainage problems on Germann Road, right at Germann and Ellis, every time it rains it turns into a giant mud hole. CHAIRMAN RYAN said that is under an improvement district and is a Public Works issue.

MR. DAN HUMPHREY, 2345 W. Weatherby Way, Chandler, states he has concerns on extending the three-year requested. He is concerned that a company that is aggressive and self-proclaimed as being such a good company has taken two years and could not develop and concerned that in three years they still will not. His personal suspicion is that this may not be a viable project and that is why it has not been developed in two years. They may be buying time to possibly market and sell that property during the next three years. Apartment complexes are not a real viable thing in Chandler right now. Retail space and residential is. They have not built for certain reasons and assumes one of them is the project would not be viable for them to build at this time due to the current apartment population in the City. He mentioned the conversion about Ellis Road and also believes that if it does go through that the Ellis Road exit going south veering east onto Dobson will relieve some traffic off of Germann. It would allow people that need to go south or coming from the south to come in and out of the complex. It would also create a buffer between Motorola and the complex and would also give access to the municipal park that the City has built via back streets as opposed to main streets. He states he has children and if they want to go to the park, they have to take the main streets if he does not drive them and they want to ride their bikes. If Ellis existed the way it was planned, they could take that street down there and stay away from some of the main traffic. On the secondary access, egress exit on Ellis, he remembers two years ago when he was opposed to this project and in talking about the traffic on Germann he remembers they said that the secondary access road out of the complex on Ellis would be for emergency egress only. He feels it would be wrong to dump all the traffic out on Germann when the entrance could be moved onto Ellis. It would alleviate the light pollution problem in his subdivision and it would also put the traffic out on a street where there is going to be a light. It would not be a traffic light at the entrance as planned, but there will be a traffic light at Ellis and Germann. If they came out of a low congested street they can go either south out on Dobson where there will probably be a light or they could go north to Ellis and Germann and go in

the direction they wanted to go where there is a light to control the traffic. These are public safety issues. Adding 352 apartments, 600 cars leaving that apartment complex in the morning and all heading over to Price, it is going to make it impossible to make a left turn until there are lights at Ellis and Germann. Even with the light there, dumping that much more traffic on Germann is a problem. Ellis should be used as the artery out of that complex. He strongly suggested that a different development be considered. That part of Chandler is growing. His neighborhood and Germann Estates and north of him are all becoming high-end properties. There are \$250,000 to \$650,000 homes in that area and 40 acres of high-end housing would probably be a more viable project for the City and for property taxes than an apartment complex in a city that is over built with apartments.

MR. GARY KELLER, 2481 W. Thompson Way, Chandler, states the original plan that was drawn up about 15 years ago shows Ellis going southbound and curving immediately north of the industrial zoned property and proceeding over to Dobson. This does make a very logical egress avenue for foot and bicycle traffic to the park that is currently being built immediately south of where Ellis would be along Dobson. This has been put on as a tabled agenda before the Transportation Commission meeting on the 30th of January to discuss this particular issue. He states what he sees as being a problem with this development as proposed is not so much for the Mark Taylor side of it but to the office complex that was being pitched in the total package. The developer/owner of that particular portion of the development was not even present at the neighborhood meeting considering the fact that they are proposing a 250,000 square foot building where AmeriCredit Data is going to have 150,000 square feet proclaiming 1,000 employees. After they have wrapped up, there would be around 12,000 to 15,000 people working in that facility. There is absolutely no method of being able to handle that traffic load during the morning, at lunch, and in the afternoon unless Ellis ties into Dobson. He could not imagine from safety aspect that there would be only one egress location to an office building of that size. If an emergency access to the north side of the industrial property is wanted, it is almost inaccessible because Ellis is no longer there. From an emergency standpoint, the office building could not be accessed because it is cut off. Two years ago he states he was not involved because he was not a property owner and a resident of the City of Chandler but since then that particular area where he is living now they are populated to full capacity in the homes. When taking a look at the fact that they have around 420 to 450 homes, which equates to about a 75 million dollar investment, they the shareholders in that investment are definitely looking forward to an appreciation in their property values because Chandler is definitely the top-notch city to live in. In the City Plan that can be pulled off the web site, the top six items of major concern to all residents of the City is reducing traffic congestion on local streets. This particular development as it is laid out at this time, if you stand at that corner and visualize it, it is going to be virtually impossible to get through that intersection in the near future after everything has been developed.

MR. FLANDERS asks about the timing on the improvements for Germann. MS. NOVAK states following the neighborhood meeting there was a lot of questions regarding all the improvements with Ellis and Germann. Germann is unique and Ellis is unique in its phasing of the development of the improvements given the way that the existing developments have happened which include Brittany Heights, Germann Country Estates, and AmeriCredit. She states she provided this information in a letter to those that attended the neighborhood meeting.

MR. MAH comments Germann Road is scheduled tentatively for 2006. There has been no work done to date in terms of preparing a design. That could change over the next couple of years. There are other road widening projects that are on the go right now, many of which will help the situation. The Dobson Road widening that will be running southward along the east side of this particular property will help the situation. He states they are planning on signalizing the four way stop at Dobson and Germann and that will happen next week.

CHAIRMAN RYAN asks about the apartment plan, the basic vehicular circulation out on Germann. Ellis Road about a half mile west of Germann and quarter mile east of Price there is going to be a signalization there. He asks if there would be signalization at the entrance to this apartment complex. MR. MAH said at Germann at the apartment entrance that would be unlikely. CHAIRMAN RYAN said in light of that it would probably be real important to get an ingress/egress from this apartment complex to Ellis so that they can utilization the signalization to get out on to Germann. MR. MAH said for an apartment of this size they would prefer to have two accesses. The key access would likely be the one that is coming out onto Ellis because Ellis is probably going to be their primary access to get left turn access onto Germann Road. If both accesses would be open he suspected most of traffic would be using the Ellis access.

MR. FLANDERS asks about the full build out profile of Germann. MR. MAH replies ultimately Germann will be six lane divided with a raised median.

MS. POLVANI states with Germann looking at 2006, Mr. Kennedy mentioned right now there are some issues with water and drainage and asks if there are any temporary measures that the City considers in that kind of situation. MR. MAH said he could bring the gentleman's comments to the Streets Department to see if they can do remedial measures to take care of any ponding that might be happening during rainstorms.

MR. MAH commented regarding Germann Road, the Santan Freeway will be coming through this area and will have a significant effect on what happens on Germann Road. When the freeway gets to the 101, what is expected to happen is a lot of the traffic will be trying to use Germann to continue further east along the Valley. By October 2004, the freeway will be extended to Arizona Avenue and once that happens they expect a lot of the traffic will come off of Germann Road and go on to the new Santan Freeway. There are a lot of changes that will happen over the next couple of years both in terms of adding volume onto Germann in the next year or so and then taking the traffic off once the freeway extends beyond the site.

MS. KEMP asks if there are any development plans for Ellis Road. MR. MAH said Ellis will be developed in conjunction with the development. MS. KEMP asks if it will be extended to Dobson. MR. MAH said it would depend on what comes out at this particular site.

CHAIRMAN RYAN said there is a concern with an office project of this magnitude and there only being one access point, which is Ellis Road. There is a concern from Traffic Safety of getting emergency vehicles in there. MR. MAH said he could not speak for the Fire Department but with respect to the Ellis Road curving around and joining up into Dobson that is a viable option. However, if Ellis does not connect into Dobson there will likely be a traffic signal at the intersection of Germann and Ellis regardless. That would be the way to service the development on both sides. CHAIRMAN RYAN asks if Ellis would develop as a minor or major collector. MR. MAH replies to the south of Germann Ellis will probably be constructed to one lane in each direction with a two way left turn lane and bicycle lanes. To the north of Germann the existing east half of Ellis is wider. As the AmeriCredit site develops the remainder of their site, the road will likely be built to match the wider width.

MR. ROBERT SOLOMON, 2394 W. Weatherby, Chandler, states his concern of this three year extension is that two years ago when this plan was approved, Germann Road was not nearly as congested as it is today. The plan as drawn right now with the commercial building going in is what is precluding taking Ellis and curving it all the way around. He objects to extending for another three years that aspect of it because it is the root cause of all the issues. If they have not applied for the three-year extension, he asks if the whole thing is dead for that little piece and that the road will be taken on through. CHAIRMAN RYAN said it is under one zoning so the apartments are hooked up to the commercial. MR.

SOLOMON states he objects to the extension on the grounds that the traffic implications of putting that building there to the exclusion of running that road through. Two years ago Germann was not that bad. Today it is getting very bad. It was forward thinking to have that little connection over to Dobson. Anything that can be done to keep the road in should be an overriding concern.

MR. MIKE GAMMON, 1493 W. Thompson Way, Chandler, states he represents a homeowner's association that has formed a task force to oppose future multi-family development in the South Chandler area on the basis of increased density and stands oppose to the extension of this zoning.

MR. ED BULL, 702 E. Osborn, states he represents Mark Taylor and Exeter 12. Exeter 12 is the owner of the employment portion of the property at the southern end. Mark Taylor is the owner of the multi-family portion at the northern most portion. This application is to extend the time to commence construction of a development that was unanimously approved through the Commission and Council about a year and a half ago. Since then a series of bizarre unpredictable events have occurred. One is the 911 travesty and all of the aftershock of that. One of the aftershocks of that has to do with jobs growth. Multi-family developments, particularly high-end multi-family developments like this one, are dependent upon jobs growth and particularly high quality jobs growth. There has been negative jobs growth which is entirely unpredictable in light of what was envisioned a year or two years ago. In addition, there have been unprecedented low interest rates for home mortgages for an unpredictable amount of time. When there are people paying \$850 to \$1000 a month or more for rent without the tax benefits associated with it and translate that into how much of a mortgage payment someone can make at six percent interest with tax benefits, this is dealing with a situation which has never been dealt with before and certainly was not able to be envisioned when here a year and a half ago. When here a year and a half ago, Exeter 12 owned the whole property. Mark Taylor completed the close of escrow. They have prepared plans that within a few hours of work would be ready to submit to building safety but it makes no sense to do that, to go through the plan check process, have plans expire, to pull a building permit to construct a project that simply does not make sense to commence construction in this economy. When this project was approved, it was approved with the plans that are within the booklet. These plans were unanimously approved. It was approved in accordance with the Area Plan that had been in place for many years. In regards to the concerns with multi-family, he states they reduced the amount of multi-family acreage on this site compared to what would have been allowed under the previously existing area plan. This was done in conjunction with working closely with Staff, with Motorola, and others in the area that were interested in making sure that this plan does exactly what they were asked to do and that is from south to north to provide a tremendous amount of transition and buffering, other kinds of things that were important to Motorola, City Staff, and others that were involved in the process. In talking about the site and the area, there is Motorola to the immediate south, other employment development to the west, single family to the north, and vacant land to the east. The transition was important. The area plan was important. The mix use nature of this plan was important. A couple of years ago he states they did neighborhood work. There were neighbors in support and neighbors opposed. He states he delivered to Ms. Novak the signatures of 38 single-family neighbors just to the north who are supportive of this extension. These are neighbors who believe that this is a high quality development and who agree that commencing construction now does not make good sense and that the justification for an extension is there. This time around there was a neighborhood meeting in addition to door-to-door work, the letters, the follow-up, those kinds of things trying the best they could to communicate with the neighbors and in conjunction with Staff to answer their questions as best they could. They were answers believed to be true and correct under the circumstances. In talking about Mark Taylor, he states Mark Taylor has been involved in ten developments in the City of Chandler. Of those ten, eight are constructed or are under construction. To date the cost of those developments is approximately 180 million dollars. There is no question that Mark Taylor has been a good corporate citizen in the City of Chandler. There is no question that the events that have occurred in the last year and a half were unpredictable, bizarre events that should not be used to

penalize Mark Taylor or Exeter 12. This zoning makes good sense. It does not make good sense to talk about reverting this zoning to single family or some other kind of use which is absolutely inconsistent with the area plan that was adopted long ago and with the concept that was done in conjunction with the development of Motorola and Motorola's wishes since then. This time extension is something that is not only justified but makes good sense and also something that is simply rational in light of the events that occurred and in the context of the confidence in the economy in the City of Chandler and the Santan Freeway coming through which will help bring additional jobs growth to the area which are needed in order to make a development like this occur. In response to some of the comments, suggestions and questions from various neighbors, with respect to the entryway location, referring to exhibit displayed, he shows the entryway location that has been shown on the plans all through the processes in conjunction with Staff, with prior neighborhood meetings, and with the approval a year and a half ago. In addition a median break has been approved. The entrance does not conflict with any street on the north side of Germann Road. One of the things that occur is that this entry will not be exactly in the middle of the development. It is more or less centralized into the development. It is very dressed up entryway including some stone elements that this Commission asked for a year and a half ago to provide at the entryway. It provides an excellent location for the entry coming into a round about, opening into some open space areas, and allows for distribution of internal traffic east and west. Shoving it clear to the east changes all that and puts this into a situation where they do not have the approved median break. In addition to that it is a major change in site plan. He states they have looked at separations. There is about 220 feet separation building to building across the street with Germann being a major arterial. To the homes of concern, Mark Taylor outside of the context of zoning stipulations is willing to add some trees if that would help alleviate the concern. The centralized driveway, the median break, the separations, the existence of the wall, willingness to add trees and the fact that there is an exit onto Ellis are all-important in considering what it is a particular issue is arising with this exit. The concern with this particular drive has to do with exiting traffic at night and particularly lights. The wall on the residential side of the street is there. It does its job. He had a neighborhood meeting at a development much like this where you go out, the wall is there, and the lights hit the wall. Ms. Novak observed the same thing when leaving the development after the neighborhood meeting. Recognizing that under the stipulation, this point was to be moved south and then construction has been that this be for exit and emergency traffic on Ellis. The importance of that is there is a concern with exiting traffic here or exiting traffic needing to get to this signalized intersection, that is where the focus was a year and a half ago and that is what made a great deal of sense. No matter how high the quality, no matter where the site in Chandler and elsewhere, there are sometimes concerns with multi-family. There were concerns a year and a half ago, there are concerns now. When talking about the area plan and whether or not Ellis curves, he states it is a situation where in dealing with Staff and with Motorola, they were encouraged to shift things around so that this development could dedicate right-of-way for Ellis. Because what had occurred with the development to the west without there being an Ellis Road dedication being available, shifts had to occur in order to provide a potential connection to the Motorola site for signalization for the developments to the west. That all occurred through an evolution of meetings and discussions and site planning where this was determined a year and a half ago to make a great deal of sense for not only this property but for property west of Ellis and Motorola. All of these issues were discussed with staff and others a couple of years ago. About other questions that neighbors raised, he states he has touched on those during some of the other points in the presentation or they are things that are just outside of what he should get into in the context of an extension hearing. Circling back, this is a very high quality development by a multi-family developer that has a proven track record in the City of Chandler. They have won design awards for developments in Chandler. This development is of the same character of the award winning developments. It is the right transitional land use on a property that is absolutely consistent with Staff's recommendation and the area plan. The bizarre events that occurred were totally outside of our control. They are events that will reverse themselves in time, part of why an extension is justified and part of why reversion would not make sense. It was believed then and is believed now that this is the right use and the

right site. The extension is appropriate and well justified and request approval in accordance with Staff's recommendation.

CHAIRMAN RYAN asks if his client has started construction drawings. MR. BULL said they have a roll of construction drawings that within a few hours of additional cleanup work could be submitted to plan check. Plans expire if a building permit is not timely pulled and building permits expire if not timely used. He states it does not make sense to expend their resources or City resources to be reviewing plans for something that should not be coming out of the ground in the current economic state. Not only general changes in the economy but also the Santan extension coming through would help relieve some of the Germann traffic and will also fuel additional economic development in the Price Road corridor. He states they very honest with the neighbors in that they could not predict that they would be pulling a building permit by this date or by that date, but tried to explain they needed to pay realistic attention to the economy and that is what Mark Taylor has done and that is what helps make Mark Taylor successful at what they do.

CHAIRMAN RYAN asks if the office is still a viable project. One thing that was overlooked is that Motorola is very adamant about not having any type of residential of any density near their facility. They wanted a certain amount of buffer. That was the whole reason of putting the commercial in the rear instead out on the frontage of Germann. MR. BULL said they had extended discussions with Motorola representative and staff and they were insistent that there not be any kind of residential component adjacent to Motorola's north property line. Motorola's position then and now is that they are fine with this plan. With respect to whether or not this employment area is still viable, he states he talked with Doug Stiteler and he explained that they still believe that it is viable, that they have had inquires with respect to that. It is something that he still thinks makes sense. The same economic issues that affected the multi-family have also affected the employment component. Mr. Bull comments they all have to have confidence in the economy and the City in the long-term situation and feels that it will be helped with the Santan and other things.

MS. KEMP asks if there are two different owners for each of these developments or does one group own the entire land. MR. BULL replies there are two. When zoning the property there was one owner, which was Exeter 12, which is a Stiteler family related partnership. They owned this land for about 15 years. At the time of rezoning, about two years ago, Mark Taylor was in escrow to purchase the multi-family portion of the site. Since completing the zoning approval, Mark Taylor completed their purchase of the multi-family component. Mark Taylor owns the multi-family. Exeter 12 still owns the employment portion.

MR. KURTZ said the document referenced is the 1982 Area Plan that was adopted preceding the rezoning case for the Motorola development. Area plans are intended to set out general land use characteristics, general roadway configurations and that is what is seen today. At the time of rezoning individual properties is the time to evaluate the specifics of access and the specifics of land use. What is seen there today was a concept in 1982 for access in the area. What has been implemented over time has been a different form of access through rezoning. Over time the zoning cases that Council has approved do not include a roadway sweeping through the properties in that fashion. It does not exist, it is not planned to exist anymore based upon the actions that Council has taken when properties in the area were rezoned. In order to implement that this needs to back up a few steps and start over. This zoning reverts back to agricultural. The issue is readdressed with the next zoning case. What is being asked tonight is to focus on the rezoning extension for this property. For any reasons or testimony that is heard tonight

Commission feels that the zoning extension is not valid, then those issues of roadway circulation, Ellis Road, would come back up at a point where these properties were considered for rezoning.

MS. KEMP asks for clarification, if the extension is not approved, does it revert back or could they go ahead and do something right away. MR. BROCKMAN replies Commission's role is simply decide whether or not to extend the current zoning or not. It is not a time to try to adjust the design or add more conditions for the zoning. It is an all or nothing type of deal. Either it is continued the way it is or it will revert back to AG-1 and then it will go through an entirely new zoning process, not necessarily for the same use or with the same parties involved.

MR. IRBY said, from their point of view, they either extend the zoning or they keep their same timetable. They have the option of going ahead and submitting drawings, getting a permit, and within the time frame allowed now to pin the zoning down correctly. Their problem is if they do that and spend a lot of money and it does not get done. MR. KURTZ said the timing on it is into April before that two years goes not. If there were plans submitted, if there were permits issued, and hundreds of thousands of dollars spent upon permit issue, a certain level of vesting would start to be reached, acting on substantial reliance. It is cutting it down to a time frame, but it could extend past April before seeing the actual construction going above ground.

MR. STEVEN BIBLE, 2470 W. Thompson Way, Chandler, stated it was mentioned that there were 38 signatures of people approving the extension. Where those came from is a week ago Sunday a gentleman by the name of Robert Rochowski, a principal with Choice Zoning Group LLC, personally walked through the neighborhood and talked to all the neighbors. He provided a very nice packet of information. He took all the time he needed to talk and it was quite appreciated. At the end of the discussion, he handed out a form which is basically a form to put your name and address and says, "As a property owner, neighbor, business in the vicinity of the property of site of zoning case located in the southeast quarter of Ellis and Germann, I have discussed, understood, and support this development." He submitted the form for information and whether or not those fair citizens have had an opportunity to hear the other side of the story.

MOVED BY MS. POLVANI, seconded by MR. FLANDERS, in case DVR02-0041 ELLIS GATEWAY to recommend approval of the three-year time extension subject to Staff's recommendations and Conditions 1 and 2 as presented. MOTION CARRIED BY MAJORITY (4 to 1) with Ms. Kemp voting no.

d. DVR02-0035 MCQUEEN VILLAGE SQUARE

MS. NOVAK presented the item stating this is a request to rezone property to PAD from Agricultural for commercial uses under the C-2 category that allows for a Walgreens store, retail shops, and a bank pad which could also be another type of pad with drive-thru use as described within the Development Booklet. The proposal also includes Preliminary Development Plan approval for building architecture and site plan design and layout. This is a five-acre parcel. It is located at the southwest corner of McQueen and Ocotillo Roads. The five-acre parcel is a portion out of a larger 40-acre county island that is encompassed with rural agrarian residential type uses. The property is within the Southeast Chandler Area Plan. The Southeast Chandler Area Plan designates this property for rural agrarian character type uses that does include single-family life style living and maintaining the rural life style that currently

exists. The property is not within what the Southeast Chandler Area Plan designated as a commercial node although the Southeast Chandler Area Plan does provide opportunities for properties not designated as a node to come forward with other types of uses other than residential such as the commercial uses that are proposed. There are three buildings that are oriented on the five-acre property that total approximately 24,000 square feet in area. The design and the site layout of the property must be consistent with some of the guidelines in the Southeast Chandler Area Plan when it comes to allowing for commercial uses on property not already for such. These would include that smaller commercial centers should be integrated with, not segregated from neighborhoods, and smaller commercial clusters or villages providing rural type uses should be considered. Multiple buildings within a single project should be designed in a manner that is integrated with rural residential surrounding it and that the site should be designed in more of a village or cluster type architectural setting. Planning Staff has evaluated and reviewed the proposed land uses as well as the site plan itself and are of the opinion to recommend denial of the project based upon the site and the proposed use not fully meeting the intent of the Southeast Chandler Area Plan when requesting to consider commercial on this corner. At the intersection of McQueen and Ocotillo there is an existing City landfill on the northwest corner, plan for recreation and open space. The northeast corner is encompassed under the Chandler Airpark Area Plan and the commercial corner that exists is designated as neighborhood commercial under that specific plan. The southeast corner of the intersection is also within the Southeast Chandler Area Plan, however, that property was planned and zoned prior to the Southeast Chandler Area Plan adoption. The commercial uses are grandfathered under that property. This property on the southwest corner that is 35 acres of rural agrarian county uses remaining and then five acres of it in a backward L shape at the intersection proposed for commercial type uses.

Staff, upon finding the proposed commercial center to be inconsistent with General land and Southeast Chandler Area Plan, recommends denial.

CHAIRMAN RYAN asks about the third item mentioned from the Southeast Area Plan policy that this project is not in conformance with. MS. NOVAK states the third one was multiple buildings in a single project should demonstrate a positive functional relationship with one another. That had to do with the architectural design and the layout of the buildings on the property itself.

MR. ED BULL, 702 E. Osborn, Phoenix, states a year ago he was there on behalf of Evergreen working on the zoning which was approved with compliments at the northeast corner of McQueen and Ocotillo. It is a development that is a Safeway anchored neighborhood shopping center with some very interesting architecture and landscaping. Evergreen Devco's involvement in that corner was directly related to their involvement in this corner as they are looking across the street to see what is there and what they can do to help improve this intersection as part of the huge investment that Evergreen is making here. He asks Ms. Novak if she provided the Commission with the alternative stipulations. MS. NOVAK replied she did provide them. Those are standard zoning conditions that are typically applied to PAD zonings. There are no separate custom zoning stipulations directly relating to this proposal. MR. BULL said he calls them alternative stipulations because Staff's recommendation is for denial. If Commission were inclined to recommend approval, then to make it subject to those stipulations. He asked Commission to consider three questions. First, remembering what is here are two major arterials, a landfill and a variety of development that has occurred in the county island in which they are a part of. Are particular sites part vacant and part site built homes and part modular homes? That is what is here in addition to the approvals that have occurred at the northeast and southeast corners. Other than the strip pavement, there are no street improvements on the south side of Ocotillo or the west side of McQueen. There is no landscaping on either of those frontages. Secondly, keeping in mind the question of what needs to be done to bring this quadrant of this intersection up to Chandler's standards. He recalls from many

meetings, as the Southeast Chandler Area Plan was being formulated and going through the hearing process, is that the number one priority was to make sure that there were significant streetscape landscaping along these arterials. That is where the Southeast Chandler look started was long those landscaping corridors and they were widened and embellished and affluent and someone allows that to occur. These streets are not going to get improved in any quick timeframe and if improved through some kind of an IGA are not going to include streetscape landscaping to any kind of an extent that was talked about in the context of the Southeast Chandler Area Plan. Third question to keep in mind is what kind of development does it take to pay the freight to cover the expenses of development at an intersection corner like this. Recognizing that this is only approximately five acres, he states they are dealing with two arterial street frontages, not only the hard scape costs of the paving, curb, gutter, sidewalk, and street lights, but the tremendous amount of landscaping that in part is required by code and in part is being provided in excessive of code in order to provide the dramatic kind of streetscapes believed to be part of what is called for in the Southeast Chandler Area Plan and know what they would like kitty-corner across the intersection from them as they make the big investment that is being made at the northeast corner. In addition to those three questions, some things to keep in mind is Evergreen's commitment to this intersection. That commitment began with what was done at the northeast corner to that process. Keep in mind the many positive things that Evergreen has brought into this hearing room tonight in the context of the site plan, the architecture, the landscaping plan and so on. This is by no stretch a Code minimum plan. This is by no stretch a prototypical drugstore. Staff's suggestions and the suggestions of others have been listened to and they have incorporated a great deal of architecture, design integrity, commonality, landscaping, and other kinds of things that are important. (Speaker at this point becomes inaudible). The discussions with these neighbors have included door to door discussions in the neighborhood, included a neighborhood meeting that went very well where candidly some of the folks in this neighborhood, like other county island neighborhood, wished development would have been staying five to ten miles away. They know they need street improvements, they know they need a signalized intersection, they like landscaped arterial streets. They appreciated the types of uses that were talked about here and they very much appreciated some of the architectural finishes and extreme amounts of landscaping buffers that are provided adjacent to them. Talking about this plan and what they are trying to change from and to, keeping in mind the architectural perspective of the corner treatment and a dramatic change that they are talking about making at the corner with opening it up, providing some split rail, providing some stone pilasters, a pedestrian plaza area, tremendous amount of landscaping, doing some very dramatic kinds of things at that particular corner. That is something that is important and is something that is very consistent with the discussions under the Southeast Chandler Area Plan to work with what you have and improve upon it as best you can and deal with some of these entryway features. About the site plan, there is only about 12 percent lot coverage on this site plan. This is certainly not an over built kind of site and it is not over parked. He states they are not putting in 150 percent of code required parking or those types of things. The difference comes about in the landscaping. When looking at the landscape setbacks here, and this is one of the costs of a corner, but it is dramatically a more significant cost per square foot when dealing with a small site, they do the 50 by 250 at the corner. The average landscaping along McQueen is about 49 feet, average landscaping along Ocotillo is over 47 feet, average landscaping along 119 is over 30 feet and the average landscaping setback along the south property line is about 33 feet. That is significantly above and beyond what is typically seen in terms of landscaping and landscaping setbacks on commercial uses which are much larger and much more intense than what is being talked about here. One of the things that has occurred which is very unusual is that the shops building has nothing but landscaping between its east elevation and the street. The shops building gets entered from the west side. That is something that can be done and it is something, in conjunction with Staff and others, seems to make sense to do as a representative example. As well as these other types of things that Evergreen was willing to do to take this small challenging site and do the best they know to do with it. Dealing with the site plan as well, part of what was incorporated in here in response to some of Staff's concerns about pedestrian scale and pedestrian orientation, there are three pedestrian

plaza areas that occur on this site. There are some plant use and things going on to try to provide a very attractive pedestrian inviting, kind of small people gathering areas that are shaded, that are attractive, that are safe, that help make some of these integrations. Some of the pavement that is occurring is treated concrete to make some of these pedestrian linkages be dramatic. He states they have also tried to pay attention to the streetscapes not only in the context of landscaping but some of the things that have been encouraged in Southeast Chandler. What is typically dealt with in Southeast Chandler is a desire for green. Berming in appropriate locations is being provided. Masonry screen walls that incorporate some of these pilaster details as seen in the entryway feature are also provided. Some pilaster details also occur in appropriate locations along some of the masonry screen walls and adjacent to the frontages. In addition, in several locations split rail fencing is being used which is characteristic of some of the things that have been encouraged to do in Southeast Chandler. There are other kinds of site planning things that has been done per suggestion of Staff or others that are considered upgrades of adding some additional palms and other trees. All with the intention of trying to do what they thought was the right thing and what they felt they were being encouraged to do and that is to put together a development which could carry the freight for the improvements that need to occur at this intersection and to strike a balance between some of the characteristics that are encouraged in the Southeast Chandler Area Plan but at the same time being consistent with the architectural and site planning kinds of things that had been approved with compliments on the site at the northeast corner. Recognizing that they are at the same intersection, they need to find some commonality between those looks. Moving to the elevations, it is his impression from discussions at the Study Session that the concern really is not with the elevations. There has been a great deal of work that has gone into the elevations to make this a very non-prototype drug store, a very non-prototype Walgreen's. Lots of architectural kinds of things going on with not only roof movement, but roof materials including standing seam metal, stone treatments, column treatments, exposed rafter tails, various pop outs that are occurring, some additional scoring and other color contrast and tile treatments occurring within the pop out areas to help dress it up some and adding some palm trees adjacent to those areas, dealing with window treatments, dealing with the entryway, dealing with the tower itself, things that very recently is some additional finishes to the tower. This is not a prototypical tower, it is a tower element that does good architectural things for movement on the roofline on the building but there is a great deal of architectural detail that has been added to it. Some window treatment that is occurring. The back wall will be done in a stone or tile type treatment to dress up the back wall of the tower element, which is something asked to do and they felt that they could do and made good sense to do. He states they have visited with their neighbors. He was pleased with the response and encouragement received from the neighbors and the compliments with respect to many of the things that had been done with the site plan and the landscaping. When talking about staff's stipulations, and as indicated are standard stipulations, but what is important about it is over the years the standard stipulations have become more and more evolved so that very clearly those stipulations tie this development back into the exhibits. Those assure that if this development is approved and goes through the process that the City gets the streets, gets streetscape landscaping, gets the pedestrian plazas, gets the architecture talked about, those things which are very important at this intersection where there are so many other things going on. Back to the original questions, what is here, what needs to be done, and who is in the position to do it. He states they think that what is here needs to be improved upon, that what needs to occur is that they need to have a commercial development approved that can go forward in accordance with the City standards. The type of development to occur is one that needs to be these uses by this developer who is stepping up again to show that they can perform the a real user, with real architectural detail and a real commitment to quality and a real commitment to quality at this intersection. This is a good land use. This is a good plan on a challenging site. Approval in accordance with Staff's stipulations will assure that this corner gets cleaned up, gets built, and stands here as a proud component of this intersection and of the City of Chandler.

MR. FLANDERS comments the conversations of the last couple of weeks have evolved in regards to this particular project. In regards to what Staff is saying about the Southeast Area Plan, he agrees with them as far as on the smaller commercial centers something needs to be done that is totally unique for the Southeast Area Plan. He states they have discussed some other alternatives but thinks for the most part there are a lot of good elements here. He thanked the developer for going the extra mile in what he has done but feels that something unique has to happen on this particular site and as a result of being part of the Southeast Area Plan. There has been a lot of time spent on achieving the requirements of that and on this particular site he would like to see some of that incorporated. His problems with the site are more of site planning and planning issues than the landscape and the building design. The design materials are good and they follow the palette of the Southeast Area Plan, but thinks the site needs to evolve.

MR. BULL states in their project booklet they have four pages of things that are in a matrix that they believe are indicative of characteristics encouraged to provide in Southeast Chandler. From a land use perspective it is important to keep in mind that there was lots of discussion during the Southeast Chandler debates about whether or not there should be any commercial in Southeast Chandler or only in commercial nodes or what it is that was to occur. Those debates went back and forth but it was clearly settled on the Commission and Council level that there does need to be commercial in Southeast Chandler. It can occur on a commercial node, it can occur in other locations as well. He did not remember the emphasis on this village look as much then as what he is hearing about it now, but does recognize that that sentence is in the Southeast Chandler Area Plan. He feels they have done more than anybody, on a site of this size and these characteristics, to try to deal with the kinds of things that Staff and others have asked us to deal with, but also recognizes that they may need to visit more about some additional things that can be done. If going that direction, keep in mind some of the original base questions talked about and underline that as the importance of making sure that whatever you end up with it is a viable development that is financeable, buildable, leasable, sustainable, those kinds of things because if any of those are missed then no favors have been done in the context of cleaning up this intersection. MR. FLANDERS states with this site the developer and the architect should be able to figure out what a village concept is or a reasonable facsimile of what that would be. The commercial site at this location he states he would need to see some movement in that direction. That is why in some of their discussions previously before the meeting that possibly a design review would be a good idea to sit down and hammer those out. MR. BULL states they had hoped to be able to get things resolved tonight. He had hoped that if they do end up going to DRB, it is a focused effort that they are going in with so that they are understanding how to help move forward rather than just redesigning for the sake of redesigning.

CHAIRMAN RYAN said sometimes the design can set the pace for the land use and thinks in this case it may be doing that. If the design of the commercial center comes more into the standards of the Southeast Area Plan, it comes more into conformance with that land use being placed at this location. They are somewhat intertwining here. Coming into this meeting he felt they should focus on the land use and poll the Commission to see if this is the appropriate land use, if this is what they want here. It makes no sense in going to DRB if the majority of the Commissioners say this land use is not appropriate here. We need to first look at it from a land use. That was the objective going into this meeting, but now it sounds like the design and the site plan configuration and the building layout of this site may affect what the Commissioners see as this being appropriate for commercial zoning.

MR. IRBY states his feeling is that commercial use on this corner is doable. It feels like the whole focus of design has been Walgreen's. The presentations are a little clearer. It gets fuzzy as it gets to some of the other architecture. With that in mind he did not have too much concern with the architecture of Walgreen's. The shops almost come across as being a little overboard. It is a small building. I am in agreement that we should go to design review. The west and south elevations look good. The north is

starting to have a lot of elements going on. The east elevation that faces the street needs the most help. It has four different metal awnings on it. It has trellis going on and it has something going on the middle structure above one of the awnings. Commercial use of this property is fine. He agreed that they might want to take a look at the site plan with that in mind and ask how can they integrate these so it does not look like three pads. Looking through the brochures and looking to see where there are property lines, it almost looks like three different properties. Landscaping is looking good. It needs, with the architecture, to somehow tie it together, not just in terms of materials but possibly the proximity to each other or some other method or technique.

MS. KEMP states commercial is doable but would like to see more of a village feel by maybe connecting the buildings, having it so that it is a place that the community would want to go to, to walk around.

MR. FLANDERS states in regards to the site plan maybe there is a heavier tie of the pedestrian to it, through it, and around it. There is no way of providing any type of pedestrian connection through the rear of the property, but if the emphasis is a little heavier pedestrian walkway, how the architecture is scaled around it, and how it is integrated.

CHAIRMAN RYAN said typically he is opposed to strip zoning and does not like the smaller commercial, but this project is oriented toward more of the neighborhood type uses that can benefit the surrounding residential especially the southwest residential large lot. It would be nice to get it a little more pedestrian friendly instead of segmented so much with the vehicular access ways and parking, more sitting areas, just making it overall more pedestrian friendly. He states he is in favor of the land use. The uses can work well at this location. The applicant has done a nice job with the landscaping. Architecturally, they have done a good job. They met the Southeast Area Plan in the way the materials were presented and the elevations.

MS. POLVANI states she is not opposed to the commercial use on this corner. The quality of the development is very similar to some of the higher quality expected on commercial down in Southeast Chandler. What she is hoping for is something that is not just high quality but also a little unique.

MR. FLANDERS asks Staff regarding the property to the east of McQueen if anything has come forward as far as what type of uses are going to be at that particular site. MS. NOVAK replies Staff is working on a zoning application for that property. They have seen some components of commercial types of uses. There is proposed at this time another drug store type user at that corner as well and some other commercial components associated with it.

MR. KURTZ comments the property across the street is zoned commercial. They have not received a specific development plan request that has been filed as an application, but have seen a couple of different scenarios for development on that property. There is nothing affirmative to report other than the last thing worked on which was a CVS Pharmacy and mini-storage and some retail shops but it is still evolving and they do not have anything specific.

MOVED BY MR. FLANDERS, seconded by MS. KEMP, to refer DVR02-0035 McQUEEN VILLAGE SQUARE to Design Review and continue to February 19th Planning and Zoning Commission meeting. MOTION CARRIES UNANIMOUSLY (5 to 0)

7. DIRECTOR'S REPORT – no report.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for February 5, 2003 at 5:30 P.M. in the Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 7:35 P.M.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, February 5, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:35 P.M.
2. Pledge of Allegiance lead by Mr. Heumann.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Ms. Jeanette Polvani	Mr. Rick Heumann
Ms. Tajuana Kemp	Mr. Mark Irby

Absent & Excused:

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Ms. Ashley Bailey, Planner
Mr. Bob Weworski, Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY MS. KEMP, seconded by MR. FLANDERS, to approve the minutes of the January 15, 2003 meeting. MOTION CARRIED UNANIMOUSLY (5 to 0) with Mr. Heumann abstaining.

5. CONSENT AGENDA

CHAIRMAN RYAN recommended items A, B, D, E, F, & G be approved on the Consent Agenda.

a. PDP02-0033 FIRST CREDIT UNION CORPORATE CENTER

APPROVED, request for Preliminary Development Plan approval for a commercial office development located on a portion of an 18-acre site at the northeast corner of Chandler and Gila Springs Boulevard.

Upon finding consistency with the General Plan, Staff recommends approval of PDP02-0033 FIRST CREDIT UNION CORPORATE CENTER subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "First Credit Union Corporate Center" kept on file in the City of Chandler Current Planning Division, in File No. PDP02-0033, except as modified by condition herein.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Completion of the construction of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.

4. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and by the Public Works Director for arterial street median landscaping.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. All common area landscaping shall be owned and maintained by a Property Owners Association.
8. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
9. A maximum amount of turn (10% of the total landscape area) with berming shall be installed along Chandler Boulevard.
10. Tree sizes throughout the site shall be in conformance with current Commercial Design Standards and include 25%-48" box trees, 25%-36" box trees, and 50%-24" box trees.
11. The developer shall be required to contribute 45% of the cost of a traffic signal at the intersection Gila Springs Boulevard and Chandler Boulevard.
12. A deceleration lane shall be required for the driveway located off of westbound Chandler Boulevard.
13. The first phase of construction shall include the development of Parcel A (First Credit Union building and site), street and landscaping improvements along Chandler Boulevard and Gila Springs Boulevard, and the east/west driveway and landscaping at the center of the site as illustrated in the attached Site Plan.
14. The building signage shall be limited to building addresses, constructed of steel reverse pan channel letters with halo illumination.
15. The project building identification monument sign shall be steel reverse pan channel letters at a maximum of 18" in height with halo illumination.

b. PDP02-0023 WELLS FARGO DENOVO

APPROVED, request for Preliminary Development Plan approval for a bank at 1090 East Ray Road, Lot 6 Safeway at the Provinces (east of the northeast corner of Ray Road and McQueen Road).

Staff, finding consistency with the General Plan and previously approved PAD zoning, recommends approval of the Preliminary Development Plan for a bank subject to the following conditions:

1. Compliance with original stipulations adopted by City Council as Ordinance No. 1377, in case Z84-49 THE PROVINCES, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council in case PL98-006 SAFEWAY AT THE PROVINCES, except as modified by condition here.
3. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Wells Fargo" kept on file in the City of Chandler Current Planning Division, in File No. PDP02-0023, except as modified by condition herein.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and

5. Utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. All mechanical equipment and appurtenances shall be concealed and screened from view. Solid parapets are acceptable for screening, provided the height shall be equal to, or higher than, the highest point on the mechanical equipment.
7. All signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project.
8. Parking lot design and landscape plantings shall meet current commercial design standards.
9. The ironwork on the monument sign shall match the metal canopy and trim color found on the bank building.

d. UP02-0067 CHOPSTIXX RESTAURANT

APPROVED, request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 2510 W. Chandler Blvd., Suite 1.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

e. UP02-0068 STUART ANDERSON'S BLACK ANGUS RESTAURANT

APPROVED, request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 2770 W. Chandler Blvd.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

f. UP03-0001 IRON GRILL MONGOLIAN BBQ

APPROVED, request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 4939 W. Ray Road, Suites 1 and 2.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.
4. The patio shall not be used for dining or drinking.

g. UP02-0059 VILLA JEAN

WITHDRAWN, request for Use Permit approval to continue the provision of adult care services within their home located at 704 E. Cheyenne Drive.

MOVED BY MR. HEUMANN, seconded by MS. KEMP, to approve the Consent Agenda with added stipulations as presented by Staff. MOTION CARRIED UNANIMOUSLY (6 to 0).

6. ACTION ITEMS

c. DVR02-0036/PPT02-0012 ADOBE TOWERS

KEVIN MAYO presented the item stating this request is for rezoning from AG-1 to PAD for a single-family residential infill subdivision with Preliminary Development Plan approval for subdivision layout and housing product and Preliminary Plat approval for approximately 1.9 acres located at 1250 W. Ray Road, west of the intersection of Ray and Alma School. The 1.9 acre infill piece is the remaining parcel of the Henry Family homestead. The site is adjacent to Ray Road and surrounded to the west, north, and east by the existing subdivisions "Festival" and "Celebration". The two subdivisions provide a density of 4.5 and 5.1 units to the acre respectively. This proposal proposes a density of 7.4. The subdivision is proposed as a gated community with primary access off of Central Drive. A secondary fire access with crash-gate is proposed along Ray Road. The standard lot sizes average 2,700 square feet to 3300 square feet. All homes provide 16' driveways. The front yard setback is 16 feet, the side yard setbacks are 5 and 5, and the rear yard setback is 10 feet. The adjacent subdivisions have 5 and 5-foot setbacks as well as a 10 foot rear yard setback, both for Festival and Celebration. The development proposes 14 two-story homes. Two floor plans are offered with three elevations for each. Two floor plans average 1750 square feet to 1800 square feet. Staff has evaluated this proposal as an infill subdivision. It is within the infill boundary, however, it is not eligible to the residential infill development incentive due to the 37-foot private right-of-way proposed. The infill credit requires a 50-foot public right-of-way. Staff supports the Site Plan. The subdivision provides similar setbacks as the surrounding subdivisions, Festival and Celebration, however the lots are smaller. It has been found that the 14 lots provide minimal impact upon the existing residential street system. Staff supports the housing product. The proposed homes are all two stories, however, after extensive neighborhood work ten of these homes have been modified with one-story elements. These floor plans will be paired to provide 22-foot view corridors at the request of the neighbors.

Upon finding consistency with the General Plan, Staff recommends approval to rezone the property from AG-1 to PAD for a single-family residential subdivision with Preliminary Development Plan approval for subdivision layout and housing product, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Adobe Towers" kept on file in the City of Chandler Current Planning Division, in File No. DVR02-0036, except as modified by condition herein.
2. Completion of the construction of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
3. Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
4. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
6. The homes shall have all copper plumbing for those lines under water pressure.
7. The covenants, conditions, and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy.
8. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
9. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. The building minimum setbacks shall be 16-feet for the front yard, 5-feet and 5-feet for the side yards, and 10-feet of the rear yards.
11. The maximum height of the homes shall not exceed twenty-two (22) feet.
12. All rear facing windows shall be glass-block.
13. Perimeter wall to be raised to a height of seven (7) feet.

MR. FLANDERS asks what the difference is between the lot sizes of this development compared to the existing developments. MR. MAYO states Celebration averages 5200 square feet and Festival averages 5775 square feet. This development averages about 3000 square feet.

MR. JOHN MAKARCHUK, applicant, and MR. PAUL ALMOND, architect, introduced themselves and answered questions in lieu of a presentation.

MR. IRBY states his concern is more the architecture. What the street views will be from Ray Road. What is this wall going to look like. The rest of it gets into the architecture. When looking at the front elevations, there are windows and doors missing on the second floor, which changes some of the character of the architecture. When looking at the site elevations there are places where there are little slivers of tile roof. With such a small sliver it comes across as very weak looking. He asks what type of roof tile they are planning on using. If trying to do this economically, he suggested maybe dealing with foam pop outs, a wainscots or something of that nature that gives some of these side elevations and rear elevations some additional characteristics. His recommendation was to send this to design review committee and talk about it more one on one versus trying to do it over a committee forum. MR. ALMOND in answer to Mr. Irby's question states the front wall along Ray Road is a seven-foot high wall. It is of the same materials, texture and finish as the walls on either side of it. It will be painted as close to the same color to get a complimentary wall all the way across. There will also be landscaping in

front of that wall that will compliment the landscaping on either side. The trees are large 36-inch box trees so they will be mature trees when put in. The wall and the trees should create a nice screen along Ray Road as far as being able to see the sides of the two houses. MR. IRBY asks what is the anticipated height of the front retaining wall facing Ray Road. MR. ALMOND said the retaining portion is three feet. Above that is an additional seven feet. From the Ray Road side there will be some berming to help mitigate the height of the wall. The wall seen from Ray Road is seven feet high that sits on top of a retaining wall. Behind that along the side of the two houses will be a three-foot retaining wall and a screen wall normally seen around the houses. The back wall will not be seen from Ray Road. MR. IRBY said looking at the exhibit it illustrates the wall facing Ray was low. MR. ALMOND states they were asked to raise all the perimeter walls to seven feet which includes the wall along Ray Road.

CHAIRMAN RYAN said he was not sure that the walls on the Ray Road frontage were seven feet in height. He recommended keeping that same height, keeping the same materials, paint finishes, to have it look like a continuous wall. MR. MAYO states he had gone to the site and the wall undulates. It goes down to about 5'5" and steps up to about 6.5'. It does this for 40 feet. CHAIRMAN RYAN suggested wherever it joins to try to match it up height wise.

MR. IRBY asks about the roof tile. MR. ALMOND replies they are proposing two roof tiles. The main body of the house will have the concrete tile that will match what is in the neighborhood. What they would like to propose is a Mexican looking pinto tile, the hand made tiles, just in those front locations that are looking inward onto the project. They would not be seen from the perimeter. It is a nice looking feature for the Adobe Towers. In answer to the tile shape, it would all be S shaped tile. The concrete tile that is the main part of the house would be the S shape. The pinto tile is hand set and is just on the front of the house on the street elevations.

CHAIRMAN RYAN said the architecture is somewhat authentic Spanish pueblo. He would like to see a two-piece clay tile used throughout. Economically it should not kill the project, but it could make a difference especially on the small roofs. The two-piece clay will give more texture. MR. ALMOND said they had thought of that but their concern was they wanted to be complimentary to the neighborhood. CHAIRMAN RYAN states he did not think the architecture is complimentary to the neighborhood. This would be his recommendation. It costs almost double but since there is not that much tile involved it would make a much nicer softer look.

MR. IRBY said there might be some spots where tile could be eliminated. Some of the areas look thin, less than two feet of roof area. MR. ALMOND said they look thin in elevation because the slope is fairly shallow to try to keep the overall height of the building down. Even the shortest run of tile is six to seven feet.

MR. HEUMANN said this is a good land use for such a parcel. He had some questions about the architecture, the colors, and how it integrates with the rest of the neighborhood. He would like to see some better exhibits in terms of the booklet being stronger in giving a better understanding. He agreed with this going to design review to get a better handle on how it integrates with the neighborhoods. This is 14 homes sitting amongst these other developments, the lot sizes are about half, but the architecture and the colors do not fit in.

MR. FLANDERS agrees in regards to the design review. One of the things he was looking for was the detail of the perimeter walls, how the gates are done, view fencing. He had no problem with the land use and liked the architecture. It is a matter of colors and tile types. The details on how this looks from the street and how it integrates with the screen walls with the rest of the development.

MR. MAKARCHUK states the whole idea of this was to make it not matching the existing homes. It is designed to be contrasting to it within the perimeter walls. It is gated, it is separate. The other developments are not gated. They wanted it to have its own identity. Driving down Ray Road, you will not see anything different because the houses will be set back far enough where they would be difficult to see. Secondly, there is a lot of mature landscaping that was saved from the previous owners that does align Ray Road. He states they choose not to have it all look the same because they want it to have its own identity.

CHAIRMAN RYAN states he likes the architecture. There is always room for tweaking and the feeling is that the small amount of tweaking that needs to be done the Commissioners do not want to do it here in this format. The Design Review Board, which consists of members of this Commission, looks at more of the details. He asked if there was a neighborhood meeting and if there were any opposition. MR. MAKARCHUK said they had two. At the first meeting there was a great deal of opposition which they talked over but were unable to come to a consensus. The second meeting there was good dialog and a lot of different proposals were put out to the Board.

MR. CHARLES WILSON, 1360 W. Gary Drive, states he went to the October 15th meeting where there was a lot of opposition. A meeting was scheduled for January 15th but they were called to say it was cancelled. He noted there was a meeting on January 21st and asked if it was a private meeting. None of the residents who live near knew about the meeting on January 21st. What most of the people do not like about the project is this subdivision is proposed as a gated community with primary access off of Central Drive. Central Drive is a quiet street. All the streets leading up to the back of this project are quiet streets. The only people that come down that street are the people who live on that street. They want to dump 14 households of cars and traffic back into the neighborhood. He asks why not dump this traffic on Ray Road.

CHAIRMAN RYAN said they try to funnel any of the residential traffic into an interior street system in a subdivision rather than to pour it out into a heavy arterial street traffic, which is more dangerous. If you had the access coming into Ray Road then you have to have a deceleration lane and it compounds the problem with stop and go traffic on an arterial street. Fourteen lots would not appear to put a substantial amount of traffic increase on the residential streets. MR. WILSON summarizes there are 14 houses and the average house has two cars. If they make one trip out a day and come back, that is 56 trips up and down that street. Two trips are 116 extra trips in that neighborhood. It was mentioned that access from Ray Road could not be done because of some special things. Why not take some land from this developer for turn-in lanes and make it safe rather than inconvenience the citizens and interrupt their quality of life. CHAIRMAN RYAN said it is a safer way to travel in and out of a subdivision to go this route. The Commission would never recommend it if there were an alternative to flush this traffic out onto Ray Road without a traffic signal or a median break.

MR. WILSON, in response to Mr. Heumann's question about notification, states he was never notified of the meeting on the 21st.

MR. MAYO, in response to Mr. Heumann's question if someone from Staff attended the January 21st meeting, replies when the first hearing was continued, it was initially to have a meeting with the applicant and the HOA. The HOA sent a letter stating they felt they did not have a quality meeting with the applicant. Whenever that meeting was scheduled, he states he presented the list of all the people who attended the first meeting on October 15th. Everyone signed the list with his or her name, address and telephone number. He gave that list to Glen Moody, President of the HOA. He wanted the list to call everyone about the January 21st meeting. It was initially to be with the HOA and the people who still had concerns that were at the October 15th meeting. At the initial P&Z for the continuance it was announced

then when and where that meeting was going to be. MR. HEUMANN asks for the people under the policy of doing a rezone, what is the footage that is suppose to be notified in writing of meetings like that. The first meeting Mr. Wilson attended, the second meeting was cancelled, so his question is how many of the homeowners who had a concern were noticed and at the meeting on the 21st. He states he is hearing two different things. The applicant is saying people came and it was fine. Listening to Mr. Wilson who lives right there says he did not know about this meeting. MR. MAYO said the initial meeting was noticed for the 300 feet. There was not enough time to send out a formal letter notice. It occurred one week after the first P&Z hearing on the 15th. Glen Moody, the president of the HOA, had taken the list and had verified that he had called every person on that list to tell him or her of this date. A second notice was not sent out to the people within 300 feet on the second hearing. MR. HEUMANN asks if someone from Staff was at the January 21st meeting and how many neighbors were at the meeting versus the first meeting. MR. MAYO said he was there with about 12 to 15 neighbors, about the same as the first meeting.

MR. WILSON said Glen Moody did not notify anyone on the block he lives on. Four or five of them were at the first meeting and all had objections. The block he lives on would be the one most affected with the increased traffic. He said they did a traffic impact study. Everyone in the neighborhood noticed that they put these counters down and they were down for 24 hours and then gone. He asked if this was a valid traffic study. MR. HEUMANN asks Staff to show them on the map where this speaker's house was located. He asks if Central is the main street for everyone to get out through this whole development. MR. MAYO said they would either come down Gary and come out onto Ray Road to head west. If heading east, they would go down Park and Comanche.

MS. KEMP said given some of the concerns she would like to see this taken to design review. The speaker mentioned things that she is also concerned about.

MR. HEUMANN said when this comes to design review he would like Traffic to either be there or to talk about the traffic situation. Mr. Ryan mentioned the fact of having access right onto Ray Road is a problem but if Gary does not have decel lanes, he would like someone from Traffic to discuss the option versus coming off of Central. MR. KURTZ said a traffic impact study and analysis to take a look of traffic flows and overall impact was done. In the scope of traffic, 14 homes have very negligible impact. In the scope of living next to something and having all 14 of those homes come by your house certainly it has a measurable impact. For an overall traffic standpoint, numbers will tell you it is not an impact, but what is being sensed from the community is that there is an impact. MR. HEUMANN said 14 homes multiplied by two cars making two trips a day looking at 112 trips by your house. It is a walled area around it now, breaking that wall in would be a concern. That is one of the things when the applicant comes back he would like to see that whole situation looked at as a protection for the people in the Festival homes. MR. MAYO said it was a last minute decision to gate the area. One of the neighbors requested that this be gated to help slow down the traffic to make them physically stop and wait for the gates.

MOVED BY MR. HEUMANN, seconded by MR. IRBY, on DVR02-0036 to refer to Design Review Committee and give a 30 day extension to the March 5th Commission hearing. MOTION CARRIED UNANIMOUSLY (6 to 0).

7. DIRECTOR'S REPORT

MR. KURTZ mentioned on Wednesday, February 26, 2003, a general plan amendment hearing on the Chandler Blvd and McClintock property. It is scheduled for 6 p.m. at the Apprende Middle School.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for February 19, 2003 at 5:30 P.M. in the Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 6:18 P.M.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 19, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:30 P.M.
2. Pledge of Allegiance lead by Ms. Polvani.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Ms. Jeanette Polvani	Mr. Rick Heumann
Ms. Tajuana Kemp	Mr. Mark Irby

Absent & Excused:

Also Present:

Mr. Doug Ballard, Planning & Development Director
Mr. Jeff Kurtz, Current Planning Manager
Mr. Geir Sverdrup, Planner
Mr. Thomas Ritz, Planner
Ms. Jodie Novak, Planner
Ms. Ashley Bailey, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY MR. FLANDERS, seconded by MS. KEMP, to approve the minutes of the February 5, 2003 meeting. MOTION CARRIED UNANIMOUSLY (6 to 0).

5. CONSENT AGENDA

CHAIRMAN RYAN recommended items B & D be approved on the Consent Agenda.

b. PDP03-0004 CHANDLER BUSINESS CENTER

APPROVED, request for rezoning from AG-1 to PAD for commercial uses (Walgreen's store, retail shops, and a bank pad) with Preliminary Development Plan approval for an approximately 5-acre parcel located at the southwest corner of Ocotillo and McQueen Roads.

Upon finding consistency with the General Plan, Staff recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with the development booklets entitled "Chandler Business Center Master Sign Program", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0004, except as modified by condition herein.
2. No raceways allowed.

d. UP02-0059 VILLA JEAN

APPROVED, request for Use Permit extension approval to continue the provision of adult care services within their home located at 704 W. Cheyenne Drive.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

Compliance with the City of Chandler's zoning code provisions with regard to the operation of adult care homes.

Maximum resident capacity is eight.

Any change in ownership will require a separate Use Permit application.

MOVED BY MR. HEUMANN, seconded by MS. KEMP, to approve the Consent Agenda as presented by Staff with additional stipulations. MOTION CARRIED UNANIMOUSLY (7 to 0).

6. ACTION ITEMS

c. PDP02-0030 WASHINGTON MUTUAL BANK

THOMAS RITZ presented the item stating this Preliminary Development Plan approval for a bank comes with a Staff recommendation of denial. Staff does not support the request because the previous Preliminary Development Plan showed the building placed within a landscape setting. In contrast, this building feature is surrounded by parking and drive-thru lanes and is not oriented to the significant water feature. In 1996, there was a Conceptual Plan for the entire Park at Chandler Center featuring a ring road separating the more intensive uses to the interior and the less intensive uses to the exterior of the ring road. At that time a Conceptual Plan was brought forward which showed this building in a landscaped setting with the parking lot behind the building. The unique features of this site is triangular shape and the adjacent existing water feature indicate that this is a significant gateway and could be oriented to the water feature. The design of this building features stucco finish and split face block and clay tile roof. In contrast, the adjacent bank built features with greater emphasis on brick as the decorative materials. While Staff acknowledges that a bank is a permitted use on this site, Staff believes the current representation that the building should be placed within a landscaped setting should be maintained. Staff also notes the adjacent Bank of America building is oriented to the landscape setting along Alma School Road. It is oriented to the water feature and also has drive-thru lanes but these drive-thru lanes are oriented in such a way not to break up the landscape feature and the

adjacent water feature. There are other items noted from an architectural standpoint, but overall the primary issue and Staff's concern is the site orientation and the potential for this site.

Staff, finding the Site Plan and building architecture to be inconsistent with the previously approved PAD zoning, recommends denial of the Preliminary Development Plan.

MR. MIKE CURLEY, 3101 N. Central, Phoenix, states in regards to the architecture he has been working with Staff on this proposal for over two years. He states they always knew that the drive-thru and not having the building nestled up next to the lake was always an issue with Staff. From the architectural standpoint of the building itself, when the Staff Report was received he was surprised that Staff had expressed as significant concerns as they did. Mr. Kurtz had made reference to lack of meetings. A chronology of meetings held over the two years was created and Staff may not have been aware of them because over the span of two years there were five different planners at various times. A number of changes had been made going through the process. Early on they were told to have a tile roof that would match the Bank of America building. They were told to incorporate tower features that the original submittal did not have. Tower features were incorporated to try to mimic to some degree the Bank of America building. Awnings and pop-outs were encouraged. He states they were never told that they had to be identical to the building but were told to encourage some of those issues. In terms of the Site Plan, they went through a whole litany of changes that were made from the original Site Plan. The drive-thru's were reoriented to where right now it circles in a northeasterly direction. It was originally counterclockwise, but for various cueing reasons were asked to change that. Screen walls were added. The original Site Plan had a Chandler Blvd. access, they were asked to eliminate that. A number of things from a landscaping standpoint were done. In the Staff Report, there was criticism from an architectural standpoint. There is a reference to windows, the awnings, and some of the aluminum canopies. He states his client, Washington Mutual, is willing to go back and take a look at them as all of those things they can have some flexibility with. In response to Mr. Heumann's concern about the old landscaping standards, he states he did not know what that was when he originally got the Staff Report and still does not know. If the reference is that they were grandfathered in under the old standards, it is not their intent to escape any imposition of new standards. He states they are willing to stipulate to whatever the new landscaping standards are unless they cannot physically do it from an engineering standpoint because the whole side has been engineered a different way to preclude them from doing it. Breaking down the Staff Report there are three areas where they criticize the request. One is the architectural as discussed. The second is they view this request as somehow inconsistent with the Master Plan that was approved when the Home Depot request came in. The last item is that Staff objects to the drive-thru and the parking as it relates to Chandler Blvd. The Staff's concern that this is inconsistent with the Master Plan, he states every single development and every single building that is on the Master Plan with the exception of the Home Depot is inconsistent with the 1996 Master Plan. He represented Home Depot at the time when this Master Plan was originally drafted in 1996. At that time there was virtually no commercial development occurring in Chandler. When doing this Master Plan they had no idea what else was going to happen on the rest of this Site Plan. Basically there was the Home Depot and then some apartments were ghosted in south of the ring road, but everything else was a guessing game. Going back and looking at the Site Plan, the analysis was of the Home Depot and the apartments. It was mentioned earlier that this Master Plan departs from the development pattern.

Referring to display, he states progressing from west to east, the first building, which is now a 5,000 square foot Applebee's, was in 1996 depicted as a 16,000 square foot building. One area is a drive-thru pad which is now a Wendy's. Another drive-thru pad that was depicted in 1996 is now an AM/PM gas station. On this building representation there was an access point off of Chandler Blvd, which physically separated this particular building from the lakes that are now there. He found it difficult when Staff was saying that this original building was so oriented to the lakes and that they are making a radical departure here. The point in going through this whole analysis is that virtually the entire development of this site is inconsistent with the 1996 Master Plan. The fact that this particular request tonight is inconsistent with what was depicted in 1996, in his opinion, was in the basis for denial. Back in this 1996 Master Plan, the area that is highlighted in yellow is a drive physically separating the building from the lakes. This was pointed out because in reviewing the Staff Report a great emphasis is made that they are departing from the Master Plan. Staff's position that this site is out of context with the entire area, is somehow inappropriate, and is inconsistent with the development pattern with what has occurred in this area. When determining appropriateness you have to look at the context of the area to judge the propriety of the requests that are before you and when looking at what is being proposed today, it is not only consistent with the development pattern but it is a vast improvement over what exists. The applicant shows photographs referring to the contrast. The northeast corner which is the Mobil station, there is a large landscape setback on this corner. Directly across the street to the east, the southeast corner, a Circle K, virtually no landscaping here. Immediately to the west is an AM/PM. Directly across the street to the north is a Wells Fargo bank. There are several banks in this area and all have their drive-thrus oriented to the street. In terms of appropriateness, he states what they are doing is a vast improvement. When looking at the Site Plan, one of the other changes made per Staff's request was to try to make sure that this turnaround area or the drive-thru area is screened. Extensive landscaping and the mature trees that are on the Bank of America building are areas here that they have been asked to supplement what already exists right now from a screening standpoint. When looking at this particular site, there is 50 feet of landscaping on Chandler Blvd., enormous landscaping and mature landscaping that exists now in addition to what they will plant in this area that is part of their site. In terms of screening and in terms of an aesthetic Site Plan and with the exception of the bank, this is probably the best example of a development in terms of landscaping in a Site Plan as exists in this particular area. To the extent of needing to go back and work with Staff in terms of the architecture, he states they are willing to do that. They want to come back with something in an architectural standpoint is appropriate but from a Site Plan standpoint what they are doing here is not inconsistent with the area.

CHAIRMAN RYAN, for clarification, states he has not heard anything from this Commission that the use is inappropriate. What is at this corner is a special condition. He tells the applicant what they are proposing is not substandard. What they are proposing could be done better and blend better with the architecture that is in the bank. The Site Plan could be worked out better to interface with the water feature. He gave the applicant the option of going to the City Staff to work things out and then come back and take the chance that they are not going to get sent to design review or have the Commission send them to design review and between now and the design review meeting meet with City Staff to get more on course with their thinking. MR. CURLEY opted for the latter suggestion.

MR. CURLEY said one of the difficulties with the site is that it is an extremely small site. It is

not only a small site but there are some constraints on the site by virtue of the setbacks that are required on Chandler Blvd. as well as on the loop road. One of the discussions at length with Staff over the years has been a desire to put some white linen type of restaurant there. It cannot be done because the site does not lend itself when talking about a Home Depot site; it is just not the right environment. From a parking standpoint there is such a limited amount of parking left on this site when you net out the landscape buffer so it is not an easy site.

MR. HUEMANN asks Staff is there was some flexibility from this Commission to work with some of those things to get the things being asked for. MR. KURTZ said the process is appropriate to talk about those things.

MR. FLANDERS said he went through and did a checklist as far as adjacent uses and what it looks like. The three things that bother him was that the Site Plan did relate to the adjacent user. Second, the building architecture, there is a two story building and a one story building. That opens a lot of opportunities to do something special. Third, it is confusing at this intersection right now with this use and the Arco and the parking lot to the Home Depot. There are three driveways in this area. What needs to be looked at at Design Review is possibly aligning some of those driveways to make it more convenient and less confusing. He agreed with Mr. Heumann and Mr. Ryan as far as the use.

MR. CURLEY comments there was a discussion about having direct access from Chandler Blvd. similar to what was depicted on the 1996 Master Plan. This is one of those instances when some portions of the Master Plan are picked up and are set in concrete and others are not. That access was deemed too close to the intersection and too close to the main driveway. There is a misalignment in the drive entrance into the Home Depot parking lot and applicant states they feel they can work to align this better.

MR. IRBY states he agrees with all the comments mentioned so far. There is a lot of different architecture happening in this center. It does not have to match Home Depot, but it should match the building in terms of colors and forms. He mentioned to applicant they may need to have some variances to be able to get it to work better on this property.

MS. KEMP added the Bank of America does stand out and would like to see Washington Mutual stand out. It should look different and exceptional.

MOVED BY MR. HEUMANN, seconded by MS. KEMP, to continue PDP02-0003 WASHINGTON MUTUAL BANK to the April 2, 2003 Planning and Zoning Commission Meeting but to meet with Staff first to address issues and then schedule a Design Review Board meeting prior to the April 2nd Commission meeting. MOTION CARRIED UNANIMOUSLY (6 to 0).

e. UP02-0066 D.K. FOUNDATION, INC.

GEIR SVERDRUP presented the item stating this Use Permit is for the D.K. Foundation. They run a group home called the Express House. The Express House first opened in 2000 with six residents. At the time they were running above and beyond what the Zoning Ordinances would allow. In 2001 the Zoning Ordinance was amended to allow group homes to have up to five residents. The applicant did voluntarily reduce the number of residents in his home to five. This is a request to increase the number of residents from five to six. In 2001 the ordinance was changed to define group homes as four members with one adult member living within the premises. Mr. Kennard has been running this operation successfully with good standing with the Arizona Department of Health Services (ADHS). This is a Level 2 behavioral facility. This is located at 795 W. Park Ave. which is east of Alma School Road and north of Ray Road. It is in an established neighborhood. Mr. Kennard has maintained his residence in an equal manner as the remainder of homes in the area. ADHS requires that each resident within a group home maintain 50 square feet of living area. The home is more than sufficient to accommodate the six residents. Group homes have been redefined to add criteria by which to evaluate them. In the past, prior to this evaluation, criteria such as traffic and the number of vehicles were used. Mr. Sverdrup states the couple of time he stopped by the house he had either seen no cars out on the street or up to two cars, one in the garage and one in front of the house. Whether there are any signs at the facility is also evaluated. Mr. Kennard does not have any signs up so there is nothing outward at the house saying this is anything other than a single-family resident. The general maintenance and upkeep of the facility would be looked at. The house is in nice condition and well maintained. Also looked at is the number of calls to the Chandler Police Department. Since Mr. Kennard opened the operation in 2000, there have been 39 calls to the Chandler Police Department. Most of them are missing juveniles. They are required by ADHS to call if any resident has missed curfew. Some of the other calls include public assistance, grand theft auto, found property, alarm, assault fights, criminal damage, disorderly conduct, mentally disturbed, and suicide attempts. There have been a good number of calls to the house, nothing huge as seen in other applications. The older requirements also require that they maintain two off street parking spaces. The garage is being used for parking and they have not tried to convert it into a game room or additional living space. There are no zoning violations on the property because Mr. Kennard did bring the property into compliance voluntarily. The size of the facility and the grounds is standard to this subdivision. When Ordinance 3421 was adopted, new criteria was added to base future group home analysis upon. The Staffing, the number and type of staff required. This facility requires one awake staff 24 hours a day. At any one time there will be an awake adult at the facility. During peak times they will have two staff members, from 3 to 11 during the week and during the day on weekends to help with the students. These are all children who are in the school system so during the school hours they are not necessarily there. When there are additional students in the house they have additional staff. Exclusive use; the office that is on site is use exclusively for maintenance of files for this facility. Mr. Kennard is working on opening up another facility in Tempe. The office at this house will not be used for any administrative uses for any other facility that he has. Assignment; how the residents are placed in this facility. Mr. Kennard accepts his residents from DES Child Protective Services and from the juvenile courts. He accepts them through an interview process that he has put together. They cannot willingly or randomly drop students or residents into his facility. Transportation; the means by which the residents get around. Mr. Kennard provides all

transportation so any offsite clinical or doctor visits is handled by his staff. None of the residents are permitted to have vehicles even if they are of age to drive. Maintenance; the condition of the house and the grounds is the same as the neighbors. Screening of the backyard is by a six-foot high block wall. Any area that the residents are active in is well screened from the neighbors. Call for Services; there have been 39 calls. In the past through the several applications seen Staff feels that a group home functions best within a neighborhood when it is kept at a level that is defined as family. Under the old ordinance it would be five residents with the staff. Under the new ordinance it would be four members with a full time adult member living at the site. It is staff's opinion that adding the sixth resident passes the threshold of intensity that the neighborhood can handle.

Upon finding inconsistency with the General Plan and Section 35-305 Use Permits of the Zoning Ordinance, Staff recommends denial of the Use Permit to operate a Group Home within a SF-8.5 zoning district.

MR. KURTZ, in response to question from Chairman Ryan, states in order to meet the definition of family there can be up to four unrelated individuals, juveniles, and one adult age living in the home. They can offer that facility by zoning rights. CHAIRMAN RYAN asks if there is any recourse the City has if it becomes a nuisance. MR. KURTZ said through the Zoning Statutes, no.

MS. POLVANI asks in reference to the 39 calls if there was a comparison from the Department of Health Services whether 39 is a normal frequency of calls for a home of this size. MR. SVERDRUP states he has not contacted ADHS to find out if this is an unusual number. There have been other applications that have operated for a shorter period of time that had substantially more calls for service.

MR. FLANDERS said Level 2 was mentioned in the Staff Report and asked for an explanation. MR. SVERDRUP replies the Department of Health Services has four levels of care. A Level 4 is the highest security. It is for the greatest at-risk students or who have a history of violence. A Level 3 is a halfway house where they may be on parole. There will be visits by parole officers and there is tighter control of when they can come and go. A Level 2 is next to the least restrictive. It is a hands-off facility. If the resident decides to leave, the adult supervisors cannot put hands-on. The resident is allowed to go which is why they must call the local police department to report a juvenile absent without leave. A Level 1 is the least restrictive of all their levels of care. All the requests seen by Commission have been Level 2 facilities. MR. FLANDERS asks if there was a time stipulations. MR. SVERDRUP said there is no required time stipulation under the current ordinance. The new ordinance compliances are starting to be applied and recommended a one-year time limit.

MS. KEMP asks if this property was allowed to operate as a group home, what things are used to evaluate group homes. MR. SVERDRUP said currently they look at the residence to make sure it is not anything above and beyond what is expected for a single family home. The number of vehicles is looked at, whether there is a sign outside announcing that this is a group home, general maintenance, calls for service, if it maintains the two off-street parking spaces, if they are free of zoning violations and if the facility is adequate for the number of residents being

requested. It is found out through Neighborhood Services if there was a complaint on the facility and it would be forwarded to Staff. If there are concerns by Commission, a status report could be set up where in six months they would inform us of what is going on or it could be reviewed to make sure they are staying in compliance if nothing has been heard through Neighborhood Services or the police department. Under the new ordinance, staffing levels are looked at making sure that any office set up inside the facility are strictly for this house not as a central administrative office for three or four houses, making sure that ADHS are not dropping residents off, making sure there are no vehicles there, that the transportation is handled in an appropriate manner, making sure maintenance is okay, if the activity areas are screened and if there is a sudden increase in service calls would also be something to look at.

MS. POLVANI, looking at both sets of indicators, asks how the intensity of use by adding one more person based on these indicators makes it too intense of a use. MR. SVERDRUP replies Staff is of the opinion that when the definition of family is met it is more compatible with the existing neighborhood. Once getting above and beyond that number of residents it is felt that that starts pushing the envelope and starts straining the limits of what the neighborhood should be able to endure. MS. POLVANI asks if it is not evaluating the indicators specifically. MR. SVERDRUP states they evaluate on a case-by-case basis and the indicators are looked at to make sure there is nothing untoward happening.

MR. HEUMANN asks how many of the current five are from juvenile courts. Of the police responses a majority of them were missing juveniles. He asks of the applicant that was approved what the number of response calls were. MR. SVERDRUP did not remember the specifics but the worse call made to that facility was a narcotics call. It was a call made by the operator because he believed one of his residents was selling narcotics. There is a more diverse number of calls to Mr. Kennard's residence. It is neither higher nor lower than Mr. Granado's.

MR. DEREK KENNARD, 795 W. Park Ave., Chandler, chose to address questions. In response to Mr. Heumann's concerns of the service calls, he states the auto theft was one of his clients stole a staff car and it was resolved within the hour and staff did not press any charges. There were two incidents of assault and they were both about a girlfriend. The prowler mentioned was during the time of 9-11. One of his clients is Arabic and thought one of his parents was coming to see him. He thought he was on the premises but was not. There was an investigation by the Chandler Police Department and was resolved. In answer to the question of how many clients are from juvenile courts versus CPS, Mr. Kennard states he has two Arizona Department of Juvenile on the premises and three CPS/DES clients. This is the balance he likes to keep and it serves as a good balance for his population.

MR. FLANDERS asks for a description of the applicant's background and the type of training his personnel goes through. MR. KENNARD states he is a former NFL football player and worked during the off-season at Durango Juvenile Court centers and also in California at the Peterson Juvenile Home. He has also worked in several group home facilities leading up to owning and running his own agency. That amounts to over 9 years of experience in the field. His staff has training four hours a month depending on what is needed. Right now they are stressing peer pressure. The staff is fully trained as part of the contractual agreement with the State agency. MR. FLANDERS asks what types of programs are set up for the clients at the

facility. MR. KENNARD replies it is an independent living skills program. All the clients are required to go to school and obtain a job, a bank account, a checking account, and clients are progressed out to an apartment and independent living.

MR. IRBY asks how the rapport with the neighborhood has been since operations began. Is there constant contact or regular meetings? MR. KENNARD said he had only one problem in the neighborhood with the next door neighbor. It turned out the client came home from work early and staff was out with the other clients at the Boys and Girls Club. The client stayed with the neighbor while staff returned to pick him up. He states he has three or four neighbors he is in constant contact with near that corner and rapport has been good. Other neighbors have not been responsive to their open houses and other neighborhood meetings. There have been two open houses over the past 2.5 years and have not had many responses from the neighbors.

MS. KEMP asks applicant if he could give a little information of who is currently in the home and why he is looking to go to six. MR. KENNARD said there is a six bed configuration in his program. There is an additional room referred to as the "great room". The great room is where the privileged client gets to reside. The great room is the master bedroom. He would like to have two clients in the master bedroom setting if their point level allows him. That means the client has been compliant with all of the rules and regulations of behaving properly in school, taking care of his own residence area, house chores, maintaining his job and checking account, and being on time to all of his appointments. When the client has complied with all these things, he is able to maintain the master bedroom as one of his rooms. He states they have proven and shown in the past to the Department of Criminal Justice System as well as the Office of Behavioral Health Licensing that they are capable and able to handle these clients.

MR. HEUMANN asks about the number of staff members and inquired how he plans to staff his second facility. Will the program director be the same person for both places. MR. KENNARD states he has a program director that is the main contributor of his staff. He is also the supervisor of the rest of the staff. There is around the clock staff. The program director is additional staff along with himself during peak hours. One staff member is there at all times and during peak hours from 3 p.m. to 11 p.m. there is a second additional staff member there. During the hours of 7 a.m. to 3 p.m. there is one staff member there. Those are the hours their clients are in school. The staff member is there to handle the phones, talk to probation officers as well as caseworkers. There will be a house manager to run the second facility. It will be located in Tempe. It has been licensed and approved for contract as of January 28th. As soon as they are able to start receiving clients, he will staff it through the ASU system.

MR. HEUMANN asks if there are vocational people that come in and if there are any continuing educational programs that go on at the house. MR. KENNARD said there is a psychiatrist that comes to the facility and/or the client goes out to the psychiatrist office. Some are required to go once a week, some are required to go once a month. They do have group sessions that occur with the staff and the clinical director comes in and does counseling.

MS. DALENE ALLIE, 760 W. Park Ave., Chandler, states she is three houses down across the street and is opposed. Her sister-in-law who lives on Evergreen cannot walk to her house without being whistled at and catcalls. The juveniles are outside smoking. Her brother-in-law

saw them trying to break into the Cox box and steal cables. She wanted to know of the service calls how many were for the other neighbors. Police cars are seen all the time. The juveniles are hauled away in handcuffs. She does not think her children should be exposed to that twice a month. There does not seem to be much supervision although they are basically quiet. In reference to the meetings, she did receive a letter for the last meeting, but there has not been any other contact with them. There was a block party and the group home was invited so the neighbors could get to know more about them. They did not show. She does not feel comfortable with them in the neighborhood.

MR. KENNARD said they have a smoke-free zone in their working area. The staff and clients are not allowed to smoke. If he or she is caught on the premises smoking, they are reprimanded and/or apprehended. As far as the block party, he states they had no idea. They were not given any notice of a block party. To the comment of being handcuffed, he states they did have an incident where a client was handcuffed. It was the incident of the assault charge about the girlfriend. The police took him away and he was there for 24 hours. Mr. Kennard states he did not allow him back. CHAIRMAN RYAN asks where the client goes after an incident like that. MR KENNARD said they either go back to lockup for violation of their probation or they go do a shelter if it is a CPS client.

MR. KENNARD in response to Mr. Irby's question to the catcalls, states they do have an alarm system that allows the staff to know that a window is open. If a client did open a window and let out some catcalls, staff is on duty to have him shut the window. MR. IRBY comments to just being a good neighbor and have staff to be more aware and pay attention to what is happening outside the house and not just the inside.

MR. IRBY asks if there is no time limit on this. MR. SVERDRUP said the Commission could place any stipulation they feel appropriate on this Use Permit. There were no stipulations put together because the recommendation is for denial. The new ordinance would require a one-year time limit.

MS. KEMP comments she would support a one-year permit. She feels this is a group home and it should be evaluated again under the basis of a group home, perhaps have a status report to see how they interact with the neighborhood and if it is not working revoke the permit.

MR. HEUMANN said there have been other applicants come before Commission and there seems to not be a good consensus on the communication between the neighbors. In the past requests have been denied and suggested to the applicant to come back if they work things out. He felt 39 calls, 13 being missing juveniles, still leaves 26 calls of everything from prowlers to grand theft auto and someone stealing a car from the staff and not prosecuted. He states he has a tough time approving this. He would rather see in six months or a year the applicant have more open houses with the neighbors and works more with them and tries to get this number down where the police are not being called as many times as they have been. Then come back and apply for that sixth person with a one-year stipulation on the sixth person.

MR. FLANDERS asks if this application is denied, what is the timing needed for them to come back and reapply. MR. SVERDRUP said they could come back and reapply as soon as it is denied.

MS. POLVANI comments looking at the indicators on this project the home does seem to be functioning within the indicators. She is struggling with the intensity of use and one additional person. It is important that the supervision is tight and appropriate. She is open to a one-year stipulation.

MOVED BY MS. KEMP, seconded by MS. POLVANI, to approve UP02-0066 DK FOUNDATION with the stipulation of atone-year only permit and at the six-month period Staff does a status report to be used as part of the evaluation after one year.

MR. HEUMANN asked for clarification of the six-month review by Staff. MR. SVERDRUP states that could work in a manner in which the Commission would like. Staff can request a report from the applicant, do an analysis based on their indicators, and pull a call log to see if the calls have gone down or dramatically increased. It is something that can be set that Staff can look at in six months to see if everything is okay. If there is a permit in place and provisions for us to bring it forward if we find out that it is greatly out of compliance. If there are issues or problems that cannot be corrected, we can bring it back for revocation. If Commission was to give a one-year approval, it does not mean they are in for a year no matter what happens. Staff does have the means if there are issues out there to bring it back for reconsideration and revocation if necessary.

CHAIRMAN RYAN advised the neighbors to stay in contact with the City Staff and try to keep open communication with the applicant and try to resolve differences.

When the vote was taken, MOTION FAILED DUE TO LACK OF MAJORITY (3 to 3).

a. DVR02-0035 MCQUEEN VILLAGE SQUARE

JODIE NOVAK presented the item stating the McQueen Village Square property is located at the southwest corner of McQueen and Ocotillo Road. The request is for both rezoning and Preliminary Development Plan approval for a commercial center on approximately 5 acres, which is inclusive of a 24,000 square feet of building. This also includes a Walgreen's pad, a retail shop pad, and a drive-thru pad. This property is also proceeding through the annexation process with the City of Chandler. It is currently in the County. This five-acre parcel is a backward L shape parcel that is part of a larger 40-acre county island at this intersection. The Planning Commission at the January 15th Planning and Zoning Commission meeting reviewed this case. The Planning Commission recommended this case be forwarded to Design Review Committee to address site layout and building design elements, which was discussed at the Design Review Committee meeting on January 28, 2003. This property is part of the Southeast Chandler Area Plan and is designated for Rural/Agrarian Character that is characterized by maintaining existing rural property and rural development. Within the Southeast Chandler Area Plan the General Plan Land Use Element influences the types and intensities of commercial

development within the designation of several commercial nodes. This property is not located within a designated commercial node although the Southeast Chandler Area Plan does provide opportunities for commercial development in other areas. The commercial development will have to comply with several guidelines if it is not located within a commercial node. These guidelines include smaller commercial centers shall be designed and integrated with and not segregated from neighborhoods within the rural area. Smaller commercial cluster and/or village type development shall provide services in a rural setting which would include farmer's markets, antique gift shops and working farms and specialty stores. Also small commercial centers or centers that have multiple buildings in a single project should demonstrate a positive functional relationship with one another. These multiple buildings should be clustered to achieve a village scale. In addition, this proposed development does incorporate a number of the Southeast Chandler elements that are prescribed regarding building architecture or site components that should be included in the developments design, however, the site layout is traditional in nature from a planning perspective and does not fully achieve what would be defined as a village or a cluster theme design. It also does lack some of the rural landscaping themes typically seen in Southeast Chandler, which include citrus trees and fan palms. Staff feels that the proposed design and site layout is not in compliance with the Southeast Chandler Area Plan. There are three building pads separated by vehicular drive aisles and are drive-thru's as well that separate the building. A village or cluster design would not have that component. When this item was forwarded to Design Review Committee, many of the members had mixed opinions about what was being proposed and the type of development and whether it conformed with the guidelines of the Southeast Chandler Area Plan for commercial at this intersection. Some of the opinions were that the site was not unique enough in its design and layout, it did not fully meet a village site layout design, and there were suggestions that were provide to help enhance the proposed development in its current site layout by doing modifications to building architecture, of applying additional building materials, additional landscaping, additional theme element, and an additional pedestrian amenity area in and around the Walgreen's building, the future pad building as well as the shops building to better enhance the site's design from both Ocotillo and McQueen Road. The current proposal does include many of the suggestions that came about through the Design Review Committee meeting. Walgreen's has made some changes and so has the shops building as well as a lot of amenities and designs seen throughout the site. This is exhibited in the addendum provided for review. Planning staff was informed that the applicant had continued working on enhancing the designs of this project making it better in their opinion than what was provided in the addendum. These changes had occurred in the shops building on both the east elevation and the north elevation. They had continued to address them at Commission's suggestions by including additional metal awnings, providing a greater pedestrian colonnade area, adding a green screen element to the building that would allow for some plant material to grow adjacent to the building, incorporating Founders Finish CMU, additional metal trellises, providing stone on the column as well as on the wainscot of the buildings. Applicants feel that this alternative is better than what was shown in the Addendum Materials, but they would be happy with an approval of the Addendum Materials if Commission were inclined to approve the alternative. Staff has a recommendation of denial of this request finding it is inconsistent with the Southeast Chandler Area Plan and it's guidelines for allowing commercial on corners that are not designated as commercial nodes. It lacks the village cluster theme design between the buildings relationship. At the Study Session, Commission had requested the addition

of Stipulation 14 that was to eliminate the four-inch split face accent band on the perimeter screen walls.

Approval with the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "McQueen Village Square" kept on file in the City of Chandler Current Planning Division, in File No. DVR02-0035, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Ocotillo Road, McQueen Road, and 119th Street including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69KV), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69KV or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
5. Completion of the construction of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
8. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
9. Freestanding pads shall carry an architectural level of detail and maintain four-sided architecture similar to that on the Walgreen's and Shops buildings.
10. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
11. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or

allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the "McQueen Village Square – DVR02-0035" development shall use treated effluent to maintain open space, common areas, and landscape tracts.

12. The "future pad" shall come back as a separate Preliminary Development Plan and sign package.
13. Sign panels on the monument sign shall have a decorative panel with tile or stone until a tenant name is located the sign.

MR. ED BULL, 702 E. Osborn, representing Evergreen Devco, states it is their request that the Commission recommend approval of this application subject to alternative Staff's stipulations 1 through 14. In conjunction with that he requested that their recommendation call for the use of the elevations for the north and east elevation of the shops building. He stressed that the plans included in the addendum supplemented by the additional changes to the shops elevations represent at least 35 upgrades that have occurred to the elevations, to the site plan, to the landscaping plan, since being before Commission a month ago. Those 35 improvements are all things that are reflective of the guidance that Commission gave a month ago, reflective of the guidance given at the Design Review Board hearing, and the guidance given at the conclusion at that hearing as to some additional things to be worked on. Those revisions are reflective of Evergreens commitment to this intersection and reflective of their commitment to doing an extraordinary job on this challenging site. Evergreen and their architects worked hard with Staff before coming to the hearing room a month ago. They knew and respected Staff's decision to recommend denial on the land use. They worked closely with Staff to bring a site plan and plans that were well on their way to being good plans that needed to be fine-tuned through the DRB process. When here a month ago Commission was asked to keep in mind a handful of things before getting into some of the details of the site plan. Some of those are very practical considerations that need to be kept in mind when talking about this site. First of all to keep in mind what it is that exists on the site and around the site. It is a very challenging site on a piece of property that is going through the annexation process. Keep in mind what needs to be done to bring this site up to the City's standards. It needs to be annexed, it needs to deal with street improvement, it needs to deal with streetscape landscaping, it needs to deal with design criteria that is the City's criteria rather than under current jurisdiction controlling the property. Keep in mind the practical consideration of what kind of uses does it take to pay the freight to develop a corner location like this on a site that is this small and this challenged. In doing that, also keep in mind Evergreen's commitment to this intersection. He states when coming to this site, they needed to find some balance between the Airport Area Plan on the north side of the road and the Southeast Chandler Area Plan on the south side of the road. That is what they tried to do to reflect the characteristics of the Southeast Chandler Area Plan but also do it in a manner, which

would be compatible with what is approved at the northeast quadrant. In doing that and coming to this Commission discussion was about the plans that were in front of Commission a month or so ago. It was decided to go to DRB. They went to DRB with 10 or 12 work in progress suggested revisions. Those were in line with what the Commission was looking for, but it was not enough. Some of the dramatic changes that occurred were a very dramatic change to the intersection itself where some things were done as requested with respect to gabions, some stone columns, some accent lighting, some additional landscaping, taking rail fence and turning it on edge to enhance what was already an enhanced corner statement. A look at the connection between the Walgreen's and shops building provided a very significant connection between those two buildings that occurs not only overhead but through some pedestrian orientation underneath as well. A number of pedestrian plaza areas were added that were provided on the site. There is now four and each and every one of those pedestrian plaza areas are enhanced to do the kinds of things that Commission, sitting in the role of DRB, encouraged to occur. Some of the things encouraged to do with some of the gabion treatments, some of the seat walls, some of the decorative bench areas that will be provided, large specimen trees occurring on this particular one, various kinds of things occurring to make sure that these four pedestrian areas which are distributed around the site and connected by various pedestrian connections truly are inviting usable pedestrian areas. In addition to that there were things that occurred with respect to the screen walls. One of the things that was encouraged with respect to the perimeter screen wall on the street frontages is that they have some movement in and out of that screen wall, that some Founders Finish block be incorporated, that some stone columns and some gabion treatments be used. All of those things have been done in what is a very dramatic, very attractive, very Southeast Chandler kind of look to provide some of that excitement and interest. Working through various additional processes, they agreed that the building that is labeled on the site plan as future phase that that would be processed as a separate PDP. During the study session a question was asked about a particular sentence or two in the sign criteria. He confirmed that they agree when that future pad comes back, that it's sign package would be a part of that PDP and that they are not obtaining signage approval for this future pad tonight. Referring to exhibit, there are some dramatic things that are occurring which address some of the issues that Commission voiced a month ago, a couple of weeks ago, at the DRB meeting and during the Study Session tonight. This preferred alternative eliminates a masonry screen wall along the east elevation of the shops building. It replaces it with a metal awning which is standing seen metal which is reflective of what is occurring on the west elevation of the building and elsewhere on the site. That awning is supported by columns that have stone at the base and between the particular columns green screen is provided which is a metal material, which can be used to grow bougainvilleas or other kinds of vines that would occur in this setting. Following the study session they were asked to consider the possibility of rather than having that green screen go up all the way to the underside of that standing seen metal canopy, would it make more sense to have the green screen capped at six feet which would provide some additional visibility in that area and still provide the screening but a more sense of openness for the building behind it. He states they are fine with that. A question was asked concerning a particular area that is on the east elevation that is identified as an optional storefront. It is labeled as potential storefront. When asked if that does not occur as a storefront what makes good sense to occur there. What makes good sense if the storefront does not go in provide the same kind of green screen here on the east elevation as is being provided there on the north elevation with the same kind of backdrop and architecture, materials, and colors occurring at that location. That too is something

which is acceptable to Evergreen if that would be the desire of Commission. Through the effort that has been put in on this challenging site, these plans are reflective of not only Evergreen's commitment to the intersection, but Evergreen going to extraordinary lengths to provide some of the very characteristics and materials and landscaping palettes which are encouraged in SECAP and encouraged elsewhere recognizing the need to strike a balance between what it is that is going on at this intersection on both the north and south side of the street. During the study session a question was asked concerning the signs on the west elevation of the shops building and the separation of those signs from residential properties to the west and other features concerning those signs. The west elevation of the shops building has been substantially modified since here a month ago and since the DRB meeting. This being the west elevation the changes that have occurred is the canopy was adjusted. A grid work was created here which allowed the signs to be dropped, instead of above the canopy now they are dropped below the canopy. There is about nine feet of head clearance under the canopy before you get to the signs, which are probably 10 to 11 feet. Taking a look at where these signs are in context to the nearest home, the aerial exhibit indicates it is almost 180 feet to the west property line and over 360 feet to the nearest home to the west. When we take a look at the site plan, the signage talked about here, there is significant landscaping occurring in both diamonds and in the islands in the parking area. This landscaping buffer on the west is approximately 35 feet wide. It provides a double role of trees in a staggered fashion so there is significant distance that occurs through here to the nearest home. Low signs to begin with, multiple interruptions with respect to landscaping and the six-foot screen wall and as noted in the sign criteria, these are halo lit signs, individual letters, reverse pan channel, halo lit signs. The letter itself does not illuminate, it is a soft light that comes from around the sign. The net effect of that combination of factors of distance, landscaping, screening, halo effect of the lighting is something that provides a very soft touch to the signage which is needed so that people know what stores are there from the parking lot side but it is also done in a manner which would be compatible with the neighbors. There is on this site about 12 percent building coverage, substantially increased landscape setbacks and other features including no parking between the shops and the McQueen Road frontage. Door to door work with neighbors was done, had a neighborhood meeting and no neighborhood opposition that is known of. This is a challenging little corner. He state they have done everything that they can think of and everything that they were aware of that Commission has suggested in order to make this a positive attribute to this particular intersection in the City of Chandler.

CHAIRMAN RYAN states he likes the revised east elevation and north elevation on the shops. He is in favor of eliminating one of the signs on the parapet wall. He had concerns of the word "optional" in the optional storefront because it shows the elevation but without that storefront window it loses a lot especially with the patio. He is starting to buy into the village concept, but it needs to interface a bit with the buildings. There needs to be either a storefront on the north or east side, but not to remove both of them, and put green bougainvilleas there. MR. BULL responds the north elevation shows windows and a door, as does the east as an optional storefront. They are agreeable to have a stipulation that would say they have at least one of those two. CHAIRMAN RYAN, having pointed out the storefronts he is referring to, states he would like to see either one of those two. It would probably limit the type of tenant that would acquire that space and it may become a specialty shop, but it is going to make a lot of difference in this project.

CHAIRMAN RYAN asks for clarification on the green screen. There are some sort of columns that come down into a stone base column whereas before there was a big screen wall there. He thought it was screening a service area where people take the garbage out. MR. BULL said the front of the shops are on the west elevation. There are service doors across the back of the shops and they needed to be screened. The prior elevation still provided for a masonry screen wall to occur across there. The difference is instead of masonry screen walls this green screen concept was created which uses a kind of material that has "please plant vines" written all over it and it provides that ability to put bougainvilleas or other vines to attach and grow. It is providing a nice backdrop, it provides some screening, the opportunity for some color, yet it also provides some see through kind of element but not see through in a fashion where you are focusing on the rear doors. CHAIRMAN RYAN asks if there is still a solid CMU wall behind the green screen. MR. BULL replies no. CHAIRMAN RYAN said it loses its effectiveness if the plants are not maintained properly. He has a concern about that but it is a scheme. He asks if the service doors are double or single doors and how high are they. MR. BULL replies they are single doors, 7-foot head height. CHAIRMAN RYAN suggested that green go all the way up to at least a 7 foot height so that the doors are not seen and it may mean going all the way up to the eaves. MR. BULL said subsequent to the study session in looking at this in more detail, some questions were asked as to maybe it would be better to drop the height of that from approximately 9 feet down to approximately 6 feet. It is a good solution to bring the metal awning along here like it is being provided elsewhere on other elevations to have the posts, the stone at the base of the post, to provide some screening which provides a visual distraction to the service doors that are behind it yet at the same time provide some opportunity for some see through for security purposes in a good look. The height of the green screen is something that he states they are comfortable with whatever Commission's decision would be with respect to that height.

CHAIRMAN RYAN asks what the square footage was of these tenant users. MR. BULL said the building size is about 4500 square feet. The building size on the architectural site plan is 4,550 square feet. It is a building that may be split into three tenants, thus three signs. It may be split into two tenants which would be two signs. It is a relatively small building, significantly set back off the street. He wanted to show on this elevation where signs could be located in what they think is a reasonable manner. CHAIRMAN RYAN said he sees a small sign about so big and what happens when it starts to get a lot of curly-cues and it ends up bigger. He commented the applicant is doing a nice job with the sign doing the illumination from behind and the shadow light and it is going to be a soft looking sign. There are other concerns on the Commission about the number of signs that on this one building which is about ten on that parapet. It would be nice to down play the signage since there is a monument sign out there.

MR. HEUMANN asks for an explanation of the Walgreen's sign package with the 1-Hour Photo, the Pharmacy, the large Walgreen's signs on both sides plus the monument sign. MR. BULL states light does not shine through any of the sign letters, none of them are transparent. The signs are illuminated by lighting that will be the halo effect lighting that comes out from around the edge of the sign letters including the Walgreen's sign. That is something that Greg Alpert from Evergreen has reconfirmed and is something that is stated in the revised sign criteria that talks about reverse panchannel letters, talks about everything being halo lit. MR. HEUMANN said as mentioned there are eight signs on the small place and there are seven signs on the Walgreen's parcel just on the two elevations. He asks if there is any consideration of softening

that up so it is not blasting signage on the things done in terms of upgrading the architecture itself. MR. BULL said they felt that they had. The Walgreen's sign uses the Walgreen's corporate color, the Walgreen's red. The other signs are a bronze color. All of them are halo lit where the light comes from around the sign, providing the signage in the context of where the building is located. It is appropriate signage and is done in a manner which is in accordance with the type of signage that was approved at Riggs and McQueen which is also in Southeast Chandler Area Plan. This criteria reflects that as far as being halo lit signs and so on. MR. HEUMANN asks if there are signs on the west and south elevations of the Walgreen's building. MR BULL, showing the elevation exhibit, states there are no signs on the south and west sides. The signs are on the north and east elevations of Walgreen's. MR. HEUMANN said he would like to see not only on the shops, but also on the main Walgreen's building, the signage package downplayed more than this.

MR. FLANDERS, going back to the shops building, states comments were made in regards to signage on the west side of the shops building and also the screening of the service doors. He was glad to see the solution that came up. He was also fine with the signage distance from the residents.

MR. IRBY commented on the green wall on the east elevation, part of his reasoning to drop that down to a six foot height was to get some natural light back behind it, service bays, plus a little bit better visual view of the roof itself so it floated more and not blend into the wall. He still stressed on the east elevation eliminating one of the signs, limiting it to two. It is a small building.

MOVED BY MS. KEMP, seconded by MS. POLVANI, to approve DVR02-0035 with the additional stipulations.

MS. NOVAK read the additional stipulations. The stipulations included what was presented, Stipulations 1 – 13. Condition 12 is being modified to read "The "future pad" shall come back as a separate Preliminary Development Plan which will include a sign package. The following stipulations were added:

14. Eliminate the 4-inch split face accent band on the perimeter screen walls.
15. The green screen on the east elevation of the shops building to be a maximum height of six feet to allow visibility of the building wall.
16. The applicant shall work with Staff to determine the locations of the optional storefronts and green screens on the east and north elevations of the shops building.

MR. HEUMANN states he will be voting no. The applicant has done a lot of excellent changes to this parcel and has done upgrades with the guidance of Commission and Staff. He felt that the uniqueness of this project and proliferation of drug stores throughout this area does not give it the uniqueness that still needs to be done on this corner and throughout the Southeast Chandler Area Plan and other areas of Chandler as well.

MR. FLANDERS agrees with Staff in their analysis that it needed a village concept. With the separation of the bank pad from the Walgreen's and the shops was a step in the right direction. The applicant has done significant changes to the architecture and the details. It is still not the

best as far as a village concept. One of the things stressed to the applicant is when the bank pad does come back that it is going to need to be designed differently to work towards that village concept. He felt it is important that they still move in that direction towards a village concept on these commercial pieces that are not a commercial node in the General Plan.

MR. IRBY, for clarification, asks if the last stipulation was worded to include one or both optional storefronts. MS. NOVAK states she will add it in to read "The applicant shall work with Staff in determining the location of the optional storefronts or green screens on the shops east and north elevations to include either one or both storefronts".

MR. IRBY asks the motion maker if she wanted to limit the number of signs on the east elevation shops. MS. KEMP did not have a preference.

MOVED BY MR. IRBY, seconded by MS. KEMP, to amend the motion to limit the number of signs on the east elevation of the shops to a maximum of two signs. AMENDED MOTION CARRIED BY MAJORITY (5 to 1) with Mr. Heumann voting no.

When the vote was taken on the main motion, MOTION CARRIED BY MAJORITY (5 to 1) with Mr. Heumann voting no.

7. DIRECTOR'S REPORT

MR. KURTZ reminded Commission of the special Planning Commission meeting on Wednesday 26th at 6:00 p.m. at Aprende School. The purpose is the General Plan amendment for the Chandler Blvd. and McClintock property.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for March 5, 2003, at 5:30 P.M. in the Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 7:40 P.M.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, February 26, 2003, held in the Multi-Purpose Room of the Aprende Middle School, 777 N. Desert Breeze Blvd. East, #2.

1. Chairman Ryan called the meeting to order at 6:30 p.m.
2. Pledge of Allegiance led by Mr. Mark Irby.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Mr. Rick Heumann	Ms. Tajuana Kemp
Mr. Mark Irby	

Absent & Excused: Ms. Jeanette Polvani

Also Present:

Mr. Doug Ballard, Planning and Development Director
Mr. Hank Pluster, Long Range Planning Manager
Mr. Glen Brockman, Assistant City Attorney
Mr. Glen Van Nimwegen, Asst. Planning & Development Director
Mr. Garrett Newland, Economic Development Director
Mr. John Zupon, Planning & Research Assistant
Mr. David de la Torre, Planner II
Ms. Linda Porter, Secretary
Ms. Kimberly Gehrke, Secretary

4. ACTION ITEM:

A. GENERAL PLAN AMENDMENT GPA 02-001 NWC CHANDLER BOULEVARD/MCCLINTOCK DRIVE.

Request to amend the Chandler General Plan, from Employment to Low Density Residential, on 83 acres located north of the northwest corner of Chandler Boulevard and McClintock Drive.

Chairman Ryan welcomed everyone to the meeting and outlined the process that would be followed. He said that following Staff's presentation, a short question/answer session will take place among the members of the Commission and Staff, followed by the applicant's presentation. He added that members of the audience will be provided an opportunity to also present their comments and he encouraged the members of the audience to fill out and submit speaker cards in order to participate in this process. He noted that residents of Stellar Airpark have designated a speaker to represent them at this meeting and said that the representative will be the first speaker called upon to present citizen remarks.

Chairman Ryan noted that a number of citizens have submitted cards who do not wish to speak this evening, but merely wanted to note on the cards their support or opposition to the issue. He stated that he does not intend to place a time restriction on the speakers

but requested that they avoid repetition. He advised that this meeting is the first of two regular Public Hearings for this amendment to the General Plan. He added that unless changes occur this evening, the second Public Hearing has been tentatively set for March 19, 2003.

Long Range Planning Manager Hank Pluster welcomed the citizens to the first of two Public Hearings to be held on the proposed General Plan amendment and indicated his intention to provide in-depth background information on this issue. He added that at the second Public Hearing, Staff will delve further into an analysis of the case and provide specific details regarding Staff's position. He informed the citizens that Staff will be recommending denial of the application but reiterated that their purpose this evening is to review as much background information as possible on this agenda item. He also encouraged citizens to ask questions and provide input.

Mr. Pluster noted that the property in question involves 83 acres located directly north of the northwest corner of Chandler Boulevard and McClintock. He referred to charts and diagrams displayed in the meeting room and noted that a major land use in the area is the Stellar Airpark. He also noted graphics containing noise contours as well as the "clear zone" and noted that as the name implies, the "clear zone" must be kept clear and is an area in which no building per se can take place. He added that the area can be used for water retention, parking and landscaping but emphasized that it cannot contain any buildings. He also referred to noise contours ANO 1, 2 and 3 and explained that ANO stands for Airport Noise Overlay. He said that this is part of a zoning map that was adopted back in the middle 80's and has to do with noise contours called LDN, Level Day/Night, a computer generated noise based upon the number of noise events from the Airport and the timing of when those noise events occurred. He cautioned the members of the audience not to confuse the noise contours with traffic patterns.

Mr. Pluster stated that the application for this case was filed over one year ago, in late December 2001/early January 2002. He noted that part of the application team at that time was Hancock Homes and discussed a neighborhood meeting that was held on February 19, 2002 in this exact room. He commented on the large number of citizens who attended that meeting and said that a large number of issues were identified and addressed. He added that approximately one year later, an "open house" type of neighborhood meeting was held in the Las Brisas Multi-Purpose Room and this evening, the first of two Public Hearings is being held, as required by the General Plan process. He said that the meeting date of the next Public Hearing, tentatively set for March 19th, will be advertised to ensure that the meeting is well attended by all interested citizens.

Mr. Pluster commented on the fact that following the second Public Hearing, the members of the Commission may vote on this issue if they feel comfortable in doing so. He added that if additional issues are raised this evening or even during the second hearing that require additional research on the part of Staff, or the applicant, in order to provide the Commissioners with accurate, thorough information needed in order to cast an informed vote, that option is available. He noted that the members of the Commission are not obligated necessarily to cast their votes at the second Public Hearing. He added that the Commission cannot vote this evening and explained that a vote cannot be cast until the conclusion of the second Public Hearing.

Mr. Pluster stated that depending upon what takes place at the second Public Hearing, a City Council hearing will be triggered and noted that the Council hearing could be held as early as April 10th. He stressed the importance of understanding the difference between a General Plan Amendment (GPA) and a rezoning case and explained that a GPA involves broad land-use issues, compatibility issues, and conformance to City goals and policies and does not involve design standards. He emphasized that GPAs have to do with land use decisions. Mr. Pluster added that depending upon what happens with the GPA, if it were to be approved for example, it would then evolve into a zoning case. He noted that most often cases do conform to the General Plan and therefore a General Plan hearing process, such as the one being held at this time, is not required.

Discussion ensued relative to the fact the Preliminary Development Plans (PDPs), which involve very specific design issues, such as subdivision layout, housing product, landscaping, etc., and the fact that depending upon what happens with zoning approval, all of the conditions and design issues that result here find their way into the plan submittal and the fact that a variety of City Staff members review the plan and stipulations are then developed. This can be a long process.

Mr. Pluster informed the members of the audience that the City of Chandler was one of the first planned communities in the State of Arizona. He referred to a map highlighting the contents of the City's 1969 General Plan and noted an area referred to as "agricultural reserve." Even in the 1969 General Plan the airstrip for Stellar was recognized, as well as the industrial park designation. Mr. Pluster discussed "industrial" zoned areas and "major employment" areas and referred to other zoning designations highlighted on the map. He noted that the entire area surrounding Stellar Airpark was part of Maricopa County and was not part of the City of Chandler during the 1960's.

Additional discussion ensued relative to the planning history of the 1976 General Plan and the fact that even in 1976, the Stellar Airpark area was part of the County and designated for "industrial land use;" the fact that the Stellar area was not annexed into the City until 1979 and the area surrounding it, even in 1976, was planned for low-density development; a 1982 Plan entitled CLUE (acronym for Circulation and Land Use Element) and the "major employment" area designation that was assigned to the northwest quarter section (Chandler Boulevard/McClintock); the fact that the current Intel site was also zoned for "major employment," which has materialized; a 1990 CLUE, with the area in question again zoned for "major employment;" the fact that in 1998 the area was still very much planned for employment purposes; and the 2001 General Plan, which was prepared in 2001 and ratified by the voters in March of 2002.

Mr. Pluster also provided the members of the audience with a brief overview of the zoning history for this area and noted that in 1981, the very first zoning application for this site was received. He said that the property had been annexed into the City in 1974 as agricultural land. He noted that at the time, this was the very beginning of Planned Area Development, or PAD's, and explained that this refers to tailor-made zoning approval based upon a developer's representations. He noted that zoning was typically in place for two years and if nothing happened, it would come up for expiration. He said that in 1983 nothing materialized and the property owner at the time, who is not the current property owner, came forward and requested a zoning extension and was granted approval for a six-month extension. He explained that the owner had a

development prospect at that time. Mr. Pluster noted that in 1983 a new owner purchased the property and requested rezoning for a commerce park and the requested zoning was approved in 1984.

Mr. Pluster explained that in 1985, a zoning extension was requested by the owner and granted and part of the Commission's direction to Staff at that time was to work with the property owner to upgrade to current contemporary standards the layout for the commerce park/business park. He added that this was done as part of the 1985 approval and the applicant proceeded to improve the area as it is today. He stated that this prompted the owner in 1988 to ask the City to acknowledge the work that had been done and the fact that timing conditions had been met and therefore, beginning in the early 1990's, the owner had vested zoning in terms of timing. He advised that essentially what they have today is a "hard" PAD that is not at risk of expiring for commerce park employment type uses.

Mr. Pluster noted that in 1998, a zoning application for a large warehouse project was received by Staff and the applicant was advised that rezoning for warehouses was not consistent with the zoning for a commerce park/business park. He added that the applicant was told that if he wanted to accomplish his goal, the property would need to be rezoned. He reported that the applicant understood this direction, proceeded with the submission of a zoning application for warehouses, and that application was ultimately withdrawn because it did not have Staff's support or the support of the neighborhood. He commented that after the application was withdrawn, Staff, the property owner and the members of the neighborhood got together to discuss what could be developed that would be acceptable to everyone involved and what ultimately evolved as a result of that effort was the commerce park plan. Mr. Pluster commented on the significant amount of time Staff spent with the applicant and the neighbors in an effort to identify the finally approved use for the commerce park plan.

Mr. Pluster noted that a significant amount of steps are required to be followed in order to gain approval of a site plan and noted that final Council approval, which occurred in December of 2000, was based upon approximately 36 separate stipulations. He stressed the fact that site plan approval only was granted by the Council and explained that this means that any part of this project that relates to architecture and similar processes, will have to go back through the Planning Commission and ultimately through the City Council before anything can be built under the current zoning approval.

Mr. Pluster advised that there are a number of issues that Staff will be discussing and analyzing between now and the next public hearing and added that one of those issues has to do with Stellar Airpark operations. He noted that an airport represents a major land use and said that Stellar Airpark is a very unique land use that has been in place since the late 1960's. He commented on the fact that all of the homes yet to be built in that area will have taxiway access and hangars. He noted that additional discussion will occur during the course of the meeting relative to the number of operations that take place at Stellar Airpark on an annual basis and reported that the figure is at least 40,000. He explained that take-offs and landings are separate operations and added that future projections indicate that this figure will almost double.

Mr. Pluster informed the members of the audience that Staff will also be providing information relative to flight patterns and traffic access. He advised that the applicant

has provided Staff with a traffic study and that too will be reviewed. He also discussed Staff's intention to address the issue of a disclosure statement and what that does and doesn't do from a City standpoint, and added that an overview on the land-use balance will also be provided that deals with the proposed project's compatibility with surrounding uses. He noted that a plan is in place for all of west Chandler and noted the positive land-use balance that exists in this desirable area. He also discussed his intention to provide information on fiscal impacts and the costs of services as well as economic development potential. Mr. Pluster commented on the importance of maintaining a consistent build-out policy and stressed the importance of ensuring that the City of Chandler can sustain itself and prosper in the future. He stated that at the next public hearing, he will be joined by Staff from the City's Economic Development Division.

Mr. Pluster reiterated that City Staff has significant concerns regarding this application and will be recommending denial.

Chairman Ryan thanked Mr. Pluster for his overview.

In response to a question from Chairman Ryan relative to noise contours and restrictions on the placement of single-family residential homes in this area, Mr. Pluster advised that Staff has never reviewed a rezoning case in ANO-2, because that is prohibited, but added that even in ANO-1, he can recall only one case that barely qualified because one small corner on the south side fell into the restricted area. He noted that it was designed as a street actually and not a residential dwelling. Mr. Pluster commented that a noise map is an interesting phenomenon and noted that noise does not suddenly end at a particular line but can occur even outside of the contour. He commented that LDN technology is a computer generated noise contour average that is rounded to decibels and added that other noise events occur both in and around the area.

Mr. Pluster advised that the noise contour map was adopted as part of the zoning map in 1986 and was based upon a map that was prepared in accordance with projected aircraft volume, anticipated technology, and number of events for the future 20 to 30 year period, which they are currently in.

Chairman Ryan asked whether a helicopter manufacturing facility is located just east of Stellar Airpark on the south side. Mr. Pluster stated the opinion that the Chairman is talking about a facility where some assembly takes place and a helipad is located on the south side, but added the opinion that he does not believe that the actual units are manufactured there. He added that a representative from that company is present and can respond to questions from the Commission if they so desire. Chairman Ryan commented on the fact that the helipad will always be there and has the right to be there. Mr. Pluster confirmed this fact and added that the east side of Stellar Airpark is zoned I-1 and has been zoned that way since 1979. He confirmed that helipads constitute a permitted use in that zoning area.

In response to a question from the Chairman, Mr. Pluster stated the opinion that a significant increase in the use of the helipad in the future could result in an increase in the noise patterns.

Commissioner Heumann asked Mr. Pluster to discuss the reason behind the change in zoning from industrial to residential for Stellar Airpark in 1998. Mr. Pluster noted that in

the very early years of Stellar Airpark, the property was actually zoned I-1 and this was a concern to many residents in the area. He stated that following discussions with the owner of the property, they decided that perhaps industrial zoning in that particular area was not a good idea. He commented on the fact that also during this time, freeway plans around that location began to surface and noted access difficulties associated with the previously approved I-1 area. He advised that interest then began to shift more towards a residential use and Staff determined that certain neighborhoods had a vested interest in airport operations and taxiway access. He added that noise impacts would not negatively impact those particular areas since the people who lived in those subdivisions were there because of the neighborhood's close proximity to the airport and taxiway access. He noted that these outcomes were later reflected in the General Plan and very low density, high quality residential was approved for that particular area, the Stellar Airpark Estates subdivision.

Commissioner Heumann asked if there was any consideration given, based on the lots to the south with hangar access, with respect to noise contour. Mr. Pluster said that the Twelve Oaks subdivision is located to the immediate west and the homes in that area are well outside the noise contour and there are no impacts as far as noise on those homes. He added that the planning for Twelve Oaks materialized in the early 1980's and the area developed in the later 1980's.

Commissioner Heumann asks if there is a possibility that a business type helipad, such as Rotorway, could end up on the south side. Mr. Pluster responds a helipad could end up on the east side, it is all zoned I-1, but on the west side the answer is 'no,' it is residential uses only, it is not zoned for business.

Commissioner Irby asked how often the sound model is updated and whether Airpark and Industrial Park build-out will significantly impact sound levels. Mr. Pluster responded that unfortunately a timeline for updating noise contours does not exist. He said that although an argument can be made that since the model was prepared approximately twenty years ago it is time to once again review it, in terms of pure planning it is important to recognize that there is "more to come" in terms of aircraft operations. He noted current versus projected operations and added the opinion that updating the noise contour map is really a decision left up to the owners of Stellar Airpark, since the park is privately owned.

Commissioner Irby expressed the opinion that the sound model should be updated and said that he would be interested in knowing the impacts of the sound on the area as traffic levels increase. He added that this would affect what happens north of Chandler Boulevard. He asked what steps could be taken to pursue an update. Mr. Pluster responded that he does not believe the City of Chandler is the proper entity to pursue the update unless the City decided to do so at its own expense. He added that the Stellar Airpark presentation that will take place later on in the meeting may provide a better sense of what the "mix" is now as far as noise levels, aircraft mix and operations. He noted that approximately 150 based aircraft are housed at the airport and suggested that this figure may be compared to the number that was in effect 20 years ago and some conclusions and/or perceived impacts based on the increase may be drawn. Commissioner Irby indicated that he would like Staff to pursue this issue as soon as possible and added that the services of an outside consultant may be needed in order to obtain accurate, timely information.

Commissioner Flanders asked whether the Federal Aviation Authority (FAA) has any specific requirements in place regarding updates to noise contour lines. Mr. Pluster responded that he does not know whether that agency has a prescribed timeline or not but indicated his intention to pursue an answer to that question.

Commissioner Flanders asked whether the Stellar residents supported the 2000 PDP for the commerce park. Mr. Pluster responded the Stellar residents were aware of the plan, but weren't directly involved. The core group for that case was the neighborhoods to the south because it had a direct impact from a land use standpoint. It did not trigger a General Plan Amendment. Additionally Commissioner Flanders asked, with respect to that revised PDP, what were some of the approved uses they ended up with. Mr. Pluster responds there was quite a mix of approved uses. Commerce and retail, office, research type uses, etc.

Chairman Ryan thanked Mr. Pluster for his comments and requested that the applicant provide input at this time.

Mike Withey, representing D.P. Partners, the current owners of the property, addressed the members of the Commission. He indicated his intention to provide a brief overview of the history surrounding this case and added that Mr. Ed Bull, representing Maracay Homes, will then discuss the actual proposal in more detail.

Mr. Withey referred to aerial photographs displayed in the meeting room and explained the exact location of the property. He noted that the property is surrounded by single-family homes on three sides, as well as a school and a park. He stated the opinion that looking at the proposal from a land use standpoint, the parcel is a "peninsula" of industrial surrounded by residential uses, the school and the park. He noted that the property has been zoned PAD Industrial for the last 22 years and has remained vacant, except for a gas station, for the last 22 years. He commented on the fact that the area experienced significant development, including industrial development, during that period of time. He stated that despite the development that occurred, this parcel did not develop and said that he believes the reason is because of the parcel's very questionable and inappropriate land use. He added the opinion that it is difficult to justify a "peninsula" of industrial surrounded by single-family development, particularly north of Erie, the midpoint of the property where no industrial or commercial development exists.

Mr. Withey stated the opinion that if the parcel under discussion was currently zoned single-family residential and he came before the Commission with a request to change that zoning to industrial, the opposition would be extensive and the appropriateness of industrial zoning to the surrounding uses would be significantly questioned and debated. He also informed the members of the Commission that a letter has been included in their informational packets from a firm that has been marketing the property for some time. He noted that a number of the conclusions and observations contained in that letter are worth noting. He pointed out that for many years Chandler Boulevard was planned to be the industrial corridor for Chandler but a lot of changes have taken place and a wide mix of uses have been developed. He added that the City has created a very successful industrial corridor instead at the Price Freeway. He also noted that originally his client, D.P. Partners, proposed a large warehouse, industrial-type development for this site, and said that he does not know whether that project would have been successful or not,

but he does know that the proposal was determined unacceptable by both the City and the neighbors. He added that the rejection of that plan has led to the current proposal.

Mr. Withey reiterated that the site has been marketed for 22 years and to date only a gas station has been developed at that location. He added the opinion that it is fair to say that every major corporate user interested in locating has been shown this site over the last 10 years and no development has occurred. He said that D.P. Partners had hoped that the opening of Price Freeway was going to be the "savior" for this particular parcel but stated the opinion that instead, it was the "death nail" because it opened up hundreds of other acres of already zoned industrial/commercial properties that are better situated.

Mr. Withey noted that as part of their submittal, an economic development report has been prepared which lists revenues and points out the literally thousands of acres that Chandler has available for employment and commercial development. He added that experts have also stated that the Santan expansion is not going to be any more help than the Price Freeway. He commented that if D.P. Partners, which specializes in industrial development, believed that they could successfully develop the property as industrial, they would do so immediately. He explained that the company does not believe that such a project would be successful and after long and hard discussions about what to do with the property, determined that the best solution was to include a significant amount of commercial and industrial along Chandler Boulevard and adjacent to Stellar Airpark. He said that they also decided that developing single-family residential next to the other single-family residential and next to the park and the school made the most amount of sense. He noted that the company chose Maracay Homes as the builder of choice for many reasons, including the fact that the company builds a quality product, their proposed lot/homes sizes meet or exceed others in the area, and they have been extremely flexible and cooperative in terms of their product and their designs. Mr. Withey stated the opinion that the proposal to develop commercial and industrial along Chandler Boulevard, and single-family residential on the northern portion of the site, is appropriate and provides "the best of all worlds."

Mr. Withey also stated the opinion that the proposed development will provide some measure of "protection" to the residents of Stellar Airpark and said that they have met with the residents and assured them that the project will in no way threaten the rightful existence of the park. He added that they have prepared a detailed proposal for future homebuyers, a disclosure document which Mr. Bull will discuss in greater depth, and added that D.P. Partners does not believe it unreasonable on the part of Stellar Airpark to require the applicant to develop some commercial/industrial projects across from them for buffering purposes. He added the opinion that it is unreasonable, however, for the residents of Stellar Airpark to say that commercial/industrial development must also go in on Desert Breeze Boulevard, one half mile away and adjacent to existing homes, a school and a park. He added that there are existing subdivisions that are impacted by Stellar Airpark just as this one would be, and those subdivisions are successful even without the benefit of disclosure. He also pointed out that this is private property and expressed the opinion that the proposal complies with City ordinances.

Mr. Withey said they understand that this is a very difficult in-fill parcel and said he doubts whether a consensus could ever be reached as to its development. He added the opinion that the proposal represents a reasonable conclusion and indicated the

applicant's intention to continue to work on improving the project. He thanked the members of the Commission for allowing him an opportunity to address them.

In response to a request from Commissioner Heumann, Mr. Withey referred to the renderings displayed in the room and noted the actual location of the residential development and its proximity to Stellar Business Park. He noted that the proposal contains a significant amount of retention areas and open space and added that there will not be any homes located adjacent to an industrial zone.

Ed Bull, 702 E. Osborne, Phoenix, representing Maracay Homes, stated that approximately eight months ago, Maracay Homes became involved with this property and since that time they have been working with D.P. Partners and others to put together a mixed-use plan that would provide commercial and industrial development adjacent to Chandler Boulevard and residential adjacent to the existing single-family residential development, including the park areas and the school. He referred to the aerials displayed in the room and commented on efforts expended by Maracay Homes to develop a proposal that is appropriate for the overall site. He noted that the plans "honor" the "no build zone," and the various criteria that they have agreed to abide by. He reported that the proposed site plan calls for the development of 206 homes, of which approximately 143 will be placed on 12,000 square feet or larger lots, with the remainder on 7,500 hundred square feet or larger lots. He emphasized that the proposal does not contain high-density levels and they believe it is compatible with the existing single-family residential development. He added that the proposal also provides approximately 20 acres of buffer on the north side of Chandler Boulevard.

Mr. Bull commented on the fact that Staff has provided the members of the Commission copies of various reports and studies previously referred to by Mr. Withey and said that included in those materials is an area report that discusses the General Plan and the reasons why the applicant strongly believes that the proposal is appropriate and makes good sense in terms of representing a mixed use plan with the ability to remain compatible with a variety of neighbors in the area. Mr. Bull also commented on the submission of a traffic report and stated that the document not only reflects anticipated traffic levels under the proposed plan, but also indicates that the traffic would be substantially less than the traffic that would have been generated as a result of the 1.4 million square foot PDP plan that was approved a couple of years ago. He also referred to the contents of an airport study and noted that the author of that report concluded that the proposed plan is in accordance with Chandler's requirements as well as FAA criteria.

Mr. Bull also called the Commission's attention to a number of "disclosures" contained in the packet that Maracay Homes is prepared to provide to potential homebuyers and noted that the disclosures were discussed at the neighborhood Open House. He noted that several of the recommended language revisions brought up at that meeting have been made. He stressed that Maracay Homes has done everything that they can think of and everything that has been suggested to prepare the seven different in-depth, accurate, informative disclosures, and noted that four of the seven disclosures would be actually recorded on the plat, on the CC&R's, in the form of an easement and in the face of the deed itself. He emphasized that once recorded, the disclosures become a permanent part of the record and are reflected on title reports. He stated the opinion that Maracay Homes unquestionably wants to provide full disclosure relative to Stellar's location, overflights, noise, etc. He added that the company wants every potential

homebuyer to be aware of all the facts prior to signing any document relating to the purchase of one of the company's homes at that location.

Mr. Bull discussed neighborhood outreach efforts that have been expended and stated the opinion that the problems that have existed on this site in the past still exist. He pointed out that for the last 27 years, this property has been designated on a plan for industrial development. He noted that if Maracay Homes goes away, that does not mean that the problem will go away and said that they hope that through the wisdom of Staff, the members of the Commission and others, a good, mixed-use plan that provides the opportunity for the area to develop in a mixed-use, compatible manner that makes sense will result. He commented on the fact that the proposal puts houses next to houses, a school and a park, puts commercial/industrial down adjacent to Chandler Boulevard and Stellar, is a plan that complies with Chandler and FAA criteria for development in proximity to airports, and is a plan that if approved will include in the sales office, in the title reports, and everywhere else, full disclosure of the subdivision's proximity to Stellar, the overflights and noises associated with the airport.

Mr. Bull said that they believe that the proposal makes sense and hopes that it is one that the Commission can ultimately support.

Chairman Ryan thanked Mr. Bull for his presentation.

In response to a question from Chairman Ryan, Mr. Bull discussed the noise attenuation measures that Maracay Homes is willing to make on their homes in the 55 to 60 LDN area. He commented on the inclusion of items such as double pane windows, solid core doors, significant insulation, and overall good, solid construction techniques that are appropriate in this type of noise contour. He pointed out that the 55 to 60 range is not particularly high and added the opinion that the techniques that Maracay Homes is willing to include will more than efficiently mitigate the noise levels.

Chairman Ryan asked how the location of the homes and their proximity to the airport flight path impacts homeowners' insurance. Mr. Bull indicated his intention to research this issue and provide an answer at a later time.

Commissioner Heumann agreed with the importance of researching and providing information relative to homeowners' insurance. He commented on the fact that the proposal calls for the development of different size homes on 12,000 square foot lots as well as 7,500 square foot lots and asked whether the project would be phased-in. Mr. Bull stated that Maracay Homes anticipates that both housing products will be under construction at the same time.

Commissioner Heumann pointed out that one of the concerns expressed by the neighbors was the possibility of multi-family housing being developed should the project falter and not be successful, particularly if the General Plan is revised to allow residential in this area. He asked whether Maracay Homes would consider this type of development in the future. Mr. Bull emphasized that there is absolutely no way that Maracay Homes would even consider the development of multi-family housing in this area. He noted that just from a clear-cut land use perspective, D.P. Partners previously determined that although multi-family development might make sense on some portions of the site, it would not be received by a majority of the neighbors for a variety of reasons

and therefore, will not be pursued now or in the future. He added that Maracay is a homebuilder and their sole intention is to proceed with the plan that is presently before the Commission and Staff.

In response to an additional question from Commissioner Heumann, Mr. Bull discussed Maracay's intention to honor previously outlined agreements relative to park land/retention areas. He added that the applicant understands that a desire exists for a park expansion and said that the company will honor that issue. He also commented on acquisition-related issues associated with this matter and said that if the proposal is approved, he anticipates that Maracay will work with the City to move ahead on this matter as quickly as possible.

In response to a request from Commissioner Heumann relative to receiving additional information from Maracay Homes and D.P. Partners relative to park-related matters (and the 3 & 3 stipulation that was part of the PDP) prior to the next Public Hearing, Mr. Bull indicated his intention to pursue this matter further and stated the opinion that his client would be happy to participate in discussions relative to those issues.

(Chairman Ryan declared a brief recess at 7:50 p.m. and the meeting resumed at 8:00 p.m.)

Chairman Ryan announced that Mr. Ron Bates, representing the residents of Stellar Airpark, will present his remarks at this time.

Ron Bates, 4308 West Jupiter, in Stellar Airpark, stated that he is President of the Board of Directors for the Stellar Runway Utilizers' Association, and is present to speak on behalf of the members of the Stellar community. He noted that Stellar Airpark was established in 1969, when there was nothing in the area other than agricultural properties. He added that the first commercial development came along in 1979, referred to as the industrial side, and along with that came a movement for annexation. He said that understandably the residents of Stellar were concerned that if their airport became part of the City, residential encroachment would follow and so they asked for and received assurances from the Council that they would be protected from that encroachment.

Mr. Bates noted that residential encroachment simply means houses built too close to the airport. He said that the General Plan was developed to protect Stellar from residential encroachment and specifically to prevent what is being proposed this evening. He noted that every plan since that time has remained firm to the original goal of preventing an incompatible use with Stellar Airpark. He emphasized that although many changes have occurred in the area, one thing that has not changed is that Stellar Airpark is in the same location and is still an Airpark.

Mr. Bates commented that the residents feel it is important to this discussion that everyone understand the concepts of aircraft operation at the airport. He referred to slides displayed in the meeting room and explained that even though it consists of one single strip of asphalt, there are two runways at the airport and said that the Santan Freeway (when completed) will border the south end of the runway and the other runway is located up next to Chandler Boulevard.

Discussion ensued relative to the noise contour study, aircraft take-offs and the effect wind speeds have on them, the fact that a wide variety of aircraft is housed at and utilizes the airport, and projected aircraft heights at various points in their approach to the airport and resulting noises that are generated.

Mr. Bates also pointed out that in countless documented cases across the United States, the existence of airports have been threatened by exactly this type of scenario. Over 70 airports each year are forced to close or restrict their operations because of this type of scenario.

In response to a question from Chairman Ryan as to why some planes make wide approaches to airports, Mr. Bates explained that different aircraft require different techniques. He added that the operational characteristic of the aircraft governs the approach method. Additionally, Chairman Ryan asks what controls are in place to govern at what height and where aircraft can fly. Mr. Bates responds that aircraft are required to stay at least 1,000 feet above the ground unless they're a helicopter or making a landing approach.

Commissioner Irby asked Mr. Bates to discuss the amount and frequency of complaints that are received at the current time from existing residents as a result of aircraft/airport noise. Mr. Bates noted that complaints are received and said that some go to the Chandler Municipal Airport, some to the business located on the Airpark, and occasionally one of the Airpark pilots will receive a complaint call. He reported that they do not receive a huge number of complaints, based on their good neighbor policy, but added that the more houses that are built, the more difficult it will be to be a good neighbor to everyone who lives there.

In response to another question from Commissioner Irby, Mr. Bates stated that although he would have to do research in order to respond in the most accurate manner, he does not believe that the number of complaints over the years has increased. He noted that the numbers are not large enough to demonstrate any type of significant trend, but also noted that the neighborhoods being referred to are not subjected to noise from the low altitudes that the homes in the proposed development will be. Aircraft are going to be very low in that area. The history of this issue all across the U.S. is virtually unchallenged that when you build houses in the position being talked about in this proposal, what follows is pressure to close the airport. We have an opportunity to prevent this situation by just sticking with the General Plan. Mr. Bates also does not see any reason why a commercial project would not be viable at this location.

Additional discussion ensued relative to the effects of residential encroachment on the Airpark and Mr. Bates stated the opinion that the more homes that are constructed in close proximity to the Airport, eventually increased pressure to close and relocate the airport will take place, the fact that no one has any particular jurisdiction over Stellar Airport since it is privately owned, efforts in other communities to close airports and resulting legal expenses, the fact that although a few accidents/incidents have occurred at the airport since its opening in 1969, accidents are relatively rare, the fact that any plane that can operate on a 4,000 foot strip, can take off and land at the airport, and guidelines and suggested altitudes recommended for various traffic patterns.

In response to a question from Commissioner Kemp relative to noise abatement features typically found in homes located in close proximity to the airport, Mr. Bates responded noise abatement features generally specify a path for departure and a higher climb or reduced power shortly afterwards. He noted that these measures have not been necessary at Stellar because the planes take off to the south and the Indian reservation is there and is largely unpopulated. He added that they avoid taking off to the north to avoid the school. He said that if Commissioner Kemp is asking whether noise abatement features could be designed to stop this kind of problem, the answer is no.

Mr. Bates added he is not aware of any features that have been included in the homes in his area to offset noise, and explained that the residents do not necessarily view aircraft noise as a negative.

Chairman Ryan thanked Mr. Bates for his input. He said that at this time he would like to call on the members of the audience who wish to present comments regarding this issue.

Barbara Snyder, 4096 West Laredo Street, said that she and her family have resided in Park Promenade since 1995 and have been actively involved in the community and in the planning and zoning of this parcel. She noted that she lives just to the north of the property, in the "normal approach" zone for the flight path. She stated that she and her family have never had occasion to complain about any airport noise whatsoever and added they view and enjoy the Airpark as somewhat of a novelty. She commented on the fact that she was aware of the location of the Airpark when she purchased her home. She added that her children attend schools in the immediate area, adjacent to the parcel under discussion, and said that they also enjoy Desert Breeze Park and frequent the park at least three times a week.

Ms. Snyder stated that as a concerned resident, citizen and parent, she would ask that the members of the Commission view the parcel from her perspective and ask themselves whether they would prefer to look at industrial development or residential, which already borders every side of the school and the park, except for the vacant lot. She spoke in support of residential development in the area and said that they made a choice to live near the schools and a beautiful park and Stellar Estate residents made a choice to live adjacent to an airport landing strip. She added that the residents of the proposed Maracay development should make their own choice as to where to live based on the facts of what is surrounding the property. She stated the opinion that the best use for this property is to allow a blend of uses, one that begins with Stellar Airpark and the landing strip, Chandler Boulevard, the major arterial road, then to the north a blend of commercial uses which turns into residential and borders the park, the residences across McClintock and to the north of Desert Breeze, and then west of the park, where residences also exist. She urged the Commission to approve the proposal and said she believes it represents the best "fit" for the community.

Ron Sell, 4452 West Walton Way, Park Promenade, said that he has been a resident of that area for the last three years. He stated the opinion that the last thing needed in that area is more homes. He said he has four children and they all use the park and attend area schools. He discussed the negative impacts of more homes, including increased traffic and park/school overcrowding. He stated that the Desert Breeze Coalition has indicated that they represent a majority of the homeowners in that area. He said that he

contacted some of his neighbors to find out what they really think about this issue. He advised that he knocked on a total of 71 doors and talked to the members of 36 households, 13 who said they were opposed to the project and had signed a petition in opposition to it (36%), 19% who said they supported the housing development, and 45% who did not have an opinion either way. He commented that if the members of the Desert Breeze Coalition say that a majority of homeowners favor the proposal, Staff and the members of the Commission should question this statement because his research indicates that 65% of the residents who had an opinion were opposed to the project.

Michael Sgro, 4697 West Carla Vista Drive, spoke in favor of approving the project and said that an argument exists for mixed-use development in this area. He challenged anyone to go up and down Chandler Boulevard and locate a half-mile stretch of just homes. He commented on surrounding uses and agreed with Ms. Snyder's previous comment relative to allowing future homebuyers to make their own decisions as to whether or not to live in that area.

Arnie Endokimo, 2037 E. Indigo Brush Road, Phoenix, said that he is opposed to the proposal for a variety of reasons. He discussed problems that exist at Deer Valley Airport relative to the large amount of noise complaints that are consistently voiced by residents who live in surrounding residential communities. He stated that although the homebuyers supposedly signed various disclosure acknowledgements at the time they purchased their homes, they still were not prepared for the level of negative noise impacts they are consistently subjected to.

In response to a question from Commissioner Heumann, Mr. Endokimo advised that although he does not reside within the Stellar Airpark community, he does in fact own a lot in that subdivision.

Don Kohn, 4679 West Tulsa Street, stated support for the project. He noted that a significant amount of history relating to the area and the Airpark has been provided by Staff this evening going all the way back to 1969 but stated the opinion that no one back in 1969 could foresee exactly how the area was ultimately going to develop. He said that people attempted to do a good job as far as their planning efforts and uses for this particular area, but discussed difficulties associated with predicting issues such as ultimate development in growth areas such as Chandler. He suggested that the Commission look at this situation from an opposing view and expressed the opinion that if the property was zoned residential and an applicant came forward with a request to change the zoning to accommodate an airstrip, he does not believe the request would be approved based upon the type of use in the area under discussion. He also expressed concerns regarding the traffic on Chandler Boulevard since the new mall opened and noted that the amount of vehicular traffic on this roadway has significantly increased. He added the opinion that commercial development creates a tremendous amount of traffic as opposed to single-family residential development. He commented that effort should be expended to limit additional traffic on Chandler Boulevard and requested that the Commission recommend approval of the request and positively impact the entire community rather than one particular area.

Joe Soltile, 4305 West Venus Way, a resident of Stellar Airpark, stated opposition to the proposal currently before the Commission for consideration. He referred to charts displayed in the meeting room and noted that Stellar Airpark is a "full instrument" airpark

with instrument departures and arrivals occurring on a frequent basis. He said that when they refer to the profile and the height of the planes above the homes, it is important to understand that for every 20 feet they go out, they drop down 1 foot on approach. He added that the most critical part of flying is not the landing as much as it is the takeoff and climb to the first 1,000 feet. He explained that when instrument departures are made, as they frequently are from one of the two runways, the protected airspace becomes 40 feet out and they go up 1 foot. He added that basically all of the numbers displayed on the chart are divided almost in half. He noted that for every nautical mile that they travel, 152 feet of climbing takes place, and that is the protected air space because Stellar is an instrument airport with a standard departure procedure.

Mr. Soltile further explained that at the 1,000-foot level where the applicant is talking about placing the first home, owners out in their backyards will experience airplanes flying approximately 62 feet over the tops of their homes. He indicated his willingness to back up his statements with actual documentation. He added that an instrument departure is based upon being at 35 feet at the end of the runway, and climbing at 152 feet per nautical mile after that. He explained that this would place them at 62 feet from ground level. He expressed the opinion that the aircraft would be dangerously close to all of the homes and said that with an instrument departure as you go out, a turn is not typically made until after the first 400 feet. He stated that if you are climbing at the base of the protected air space, that is going to place the aircraft at approximately Warner before the turn is made. He commented that much of the information that was previously discussed does not apply when you are talking about an instrument departure and added that this is the real critical phase of the entire process.

Mr. Soltile stated the opinion that there is a reason why Sky Harbor, Phoenix and Tempe decided not to locate the stadium as originally planned. He said he believes they were talking about having airplanes flying 192 or 200 feet above tens of thousands of people. He added the opinion that if the homes are constructed as close to the airport as planned, the planes will be flying over the top of the first home at a maximum of approximately 50 feet. He said that this would present an extremely dangerous situation and urged the Commission not to allow such an obvious safety hazard to occur.

Chairman Ryan requested that Mr. Soltile provide Staff his name and telephone number and requested that he work with Staff. Chairman Ryan commented to Staff that he would like them to work with Mr. Soltile in verifying the accuracy of his statements and present their finding to the members as soon as possible. Mr. Soltile agreed to work with Staff in an effort to substantiate the statements he has presented at this meeting.

Kathy Hasbach, 4136 West Laredo Street, stated that she supports the proposal, mostly because of the area and the residential use of it. She said that her offices are located in the Santan Corporate Building and commented on the significant number of traffic accidents that have occurred since she moved into the building. She noted the heavy traffic congestion that exists and continues to grow every day. She expressed the opinion that additional residential development in close proximity to schools and a park should be the preferred approach. She expressed concerns regarding additional commercial development that will generate additional traffic when children are going to and returning from school and added the opinion that safety hazards will increase. She commented that although she is not totally committed to residential development, she is completely opposed to commercial development. She asked the Commission to protect

their neighborhoods and the safety of the children and allow the residential development to occur. She agreed that potential homebuyers should be able to make their own decisions on whether or not to buy at that location.

Larry Perkins, 4036 East Cathedral Rock Drive, invited the members of the Commission to fly the actual profiles if they would like and said that there are several professional pilots who would be willing to take them up in their planes and give them a first hand view of what they are talking about. He stated that he possesses 40 years' experience as a commercial pilot, 16 years of which he spent as an aviation inspector for the FAA. He said that in this capacity, he was responsible for investigating noise complaints as well as airplane accidents. He stated the opinion that the proposal will adversely affect Stellar Airpark, the surrounding community, and the City as a whole.

Mr. Perkins commented that during his tenure with the FAA, 3 of his 16 years was spent at the Van Nuys Flight Standards District Office, and noted that a small airport, similar to the one at Stellar, was located there. He said that he had the occasion to investigate two accidents at the same residence where the airport ended and the housing started. He commented that the homeowners had signed disclosure statements but when they came forward after the accidents took place, it was amazing to see just how many people had actually forgotten that they had signed the disclosures. He informed the members of the Commission that pilots always head towards the least congested areas and added that student pilots are taught this from the very beginning.

Mr. Perkins also stated that he inspected an accident at the Fresno downtown airport and noted that the airport contains no open space, no warehouses, and houses have been built right up to the road and on the other side of the road, is the runway. He said that a pilot experienced an engine failure and had no options to consider since there were no available open areas to head for so as a result, the plane crashed into a house located less than 1,000 feet from the end of the runway.

Mr. Perkins commented that this evening he is here to say that he has heard everything that has been said about the noise, and he wouldn't mind airplane noise in the least, but to him the important issue is safety. He said that he is aware of three planes that have crashed at Stellar Airpark in the open field that they are talking about this evening and noted that the open field was available to the pilot as an option. He stated that anyone here this evening who wants houses built in this area so noises from the industrial park are buffered, might want to consider the negative impacts of removing that open space, and eliminating pilots' options, which may ultimately negatively impact their safety and their lives.

In response to a question from Commissioner Heumann, Mr. Perkins stated that to the best of his knowledge, small airplanes are rarely capable of inflicting significant damage on massive structures such as large warehouses and substantial sized buildings. He added that houses, however, are an entirely different situation. He commented on the fact that sound attenuation measures will not prevent airplanes from crashing into homes.

Tim Wilson, 4800 West Erie Street, spoke in support of the proposed General Plan Amendment. He said that he has lived under a potential flight path for Stellar for the last eight years and expressed the opinion that the noise generated by the planes is not

significant. He added that if the noise was a problem, they would have known about it before now, since there are already large numbers of homes located around the Airpark. He said he does not believe any of the residents want to close down the Airpark and commented that residential development represents the best use for the land, with commercial use along Chandler Boulevard.

Dennis Gerlach, 4305 West Mercury Way, a resident of Stellar Airpark, noted that commercial development is already located across the runway. He said that he has heard some concerns expressed this evening about what that type of development might look like and stated the opinion that the development would be extremely compatible. He added that he has not experienced any negative impacts resulting from the existing commercial development and has no reason to believe the proposed development would be any different. He commented on the fact that many of the airport's operations occur very early in the morning, in the evening or on weekends, and those are times when commercial buildings are not occupied and people are home with the children. He noted that many of the residents are recreational, weekend, before work and after work pilots. He also stated that as a pilot he does not like to make low turns over houses and so he tries to avoid that. He said that if the amendment is approved, he as a pilot will be faced with an even greater challenge in terms of avoiding low turns. He questioned whether Staff or members of the Commission have had the opportunity to look at some of the neighboring airports that contain houses close to the runway and asked whether research was done on the number of noise/safety complaints that have been received. He commented on the benefits that may be realized as a result of learning what the experience of others in similar situations has been.

Salomon Lichtenberg, 4133 West Bart Drive, said that he is speaking on behalf of the younger generation and their future. He indicated that he supports the proposal that is currently before the members of the Commission and stressed the importance of providing children with parks, open space and school based recreational areas. He stated the opinion that additional commercial air conditioning units will produce more pollution and negatively impact the health and safety of the children. He stressed the importance of ensuring that our children continue to have good air to breathe. He spoke in favor of the project's residential development and stated the opinion that it represents a good compromise.

Michael Mills, 4300 West Jupiter Way, a resident of Stellar Airpark, said he is opposed to the General Plan Amendment as presented because he believes it preserves the balance between airport and community. He said he would like the focus to move away from the Stellar Airpark community and look at a bigger picture instead, namely a national program that has been "kicked off" during the last year between NASA and the FAA. He explained that the two entities are going to work together in an effort to develop a new national transportation system entitled SATS, Small Aircraft Transportation System. He added that SATS has the potential of being in the 21st century what automobiles were in the 20th century. He noted that SATS is a concept based upon a new generation of affordable small aircraft and the need for a pressure relief valve for the congested hub transportation system. He said that SATS should be looked at as computer based clients, running on an airborne internet. He expressed the opinion that SATS will result in improved productivity for the business traveler by allowing them to go from point to point faster. He stated that the reason he is bringing this issue up is because there are currently a large number of commuters at Stellar

Airpark. He noted that many people who live there fly to distant cities for a day or two and then fly home and one gentleman in the park flies in and out on practically a daily basis. He advised that other gentlemen own businesses outside of the city and use their aircraft to fly to those locations, conduct business, and then fly home at night. He commented that should the program, which is undergoing a feasibility study right now, become a reality, Stellar Airpark can play a key role in that program.

Mr. Mills referred to a screen that addressed the issue of noise abatement and commented that he is not an acoustics expert but would like to make a few points at this time. He discussed reasons why pilots, taking off to the north out of the airport, do right hand "turnouts" and explained that pilots attempt to avoid the restricted air space that the international airport occupies. He added that they run into that airspace fairly quickly, within a couple of miles, and so they have to try and "turnout" as fast as they can to avoid that area. He also commented that the California Department of Transportation, also known as CalTrans, has developed an airport-planning handbook. He noted that the handbook contains a number of interesting features, including a definition for generic zone overlays and states that they are comprised of six aviation policy areas known as APAs. He explained that the APA's protect the different zones relative to the airport and allowing residential encroachment or the construction of any type of building around the airport, whether residential or commercial. He stated that the policy states that depending upon the area that you are in, there are recommended densities relative to residential housing or commercial developments.

Mr. Mills made notes on a sheet and pointed out that based upon a recommended plan contained in the handbook, utilizing a 2,200 foot length runway (Stellar's runway is approximately 4,300 foot runway), the recommended residential density for APA 1 is zero dwellings per acre. He added that the recommended residential density for APA 2 is 10 or more acres per dwelling. He also discussed APA 3, which consists of basically a "fan shape" in the residential area, and said that the recommended residential density for that location is 2 to 10 acres per dwelling unit. Mr. Mills stated that the last area contains a zone that goes straight out and noted that density can be increased somewhat more in this area. He emphasized that this model has not only been used in California, but several areas of the east coast as well.

Mr. Mills commented that he and his wife deliberately moved to Stellar Airpark in order to expose their sons to aviation and said that they are enjoying that benefit and the area as well. He added that anything that may impede their ability to enjoy the area would severely impact the reason why they moved there in the first place.

Chairman Ryan commented on the importance of hearing different perspectives voiced regarding this issue and said that although CalTrans may not have all the answers to all of the problems, it is helpful to take a look at all of the information and different points that are being brought forward.

Commissioner Irby asked whether the handbook referred to by Mr. Mills addresses approaches as well as departures. Mr. Mills confirmed that the handbook addresses approaches as well and asked Commissioner Irby to picture the zones he previously described as being on both sides of the runway.

Commissioner Heumann also referred to the CalTrans study and asked how many California airports actually abide by the contents of the study. Mr. Mills responded that he cannot answer that question at this time but indicated his intention to research the matter and report his findings at a later time. Mr. Mills noted that the State of Maryland utilizes a similar model and reported that out of the 176 airports that are located in the greater east coast area in that location, 46 of them abide by their model.

Raphael Tan, 4215 West Dublin Court, stated the opinion that the proposed General Plan Amendment will positively impact the City of Chandler. He added that the additional residential development will complement the rest of the area and said that the proposed commercial development along Chandler Boulevard is appropriate and will generate revenues and employment for the City of Chandler.

Bob Hanson, a new resident of Stellar Airpark, said that prior to purchasing his home he performed extensive research in order to ensure that his property values would consistently increase. He said that he purchased his home based on the fact that all of the information he obtained confirmed the fact that his investment would be secure and that the safety of his family would not be jeopardized. He said that he does not want to see anything change now or in the future and asked the Commission to support Staff's recommendation that the request be denied.

Bob Benzer, 4225 West Laredo Street, a resident of Park Promenade, said that his home is located directly underneath the flight path and he is in favor of the amendment. He commented that he does not view the noise that is generated by the planes as being a problem and, in fact, he enjoys the noises and watching the planes because they are part of the atmosphere he experiences living in that particular area of the City. He said that during the four-and-a-half years he has lived in that area, he has seen very few planes that flew the base leg over Desert Breeze at a close distance to the homes along there. He added that very few planes take off to the north and therefore the statistics that were provided earlier relative to the negative impacts of northbound planes should not be given much weight or consideration. He added the opinion that the land should be developed and that residential development makes the most sense for the area.

George Raiser, 5629 West Frye Road, stated that he and his wife are in the process of building a home within Stellar Airpark. He commented that he is opposed to increased weekend and evening traffic and noise (particularly at night) that will result if the proposed amendment is approved and added that he is also concerned about the safety of residents who live underneath the flight path. He requested that the members of the Commission vote to recommend denial and support Staff's recommendation in this regard. He questioned both D.P. Partners and Maracay Homes' motivation in this matter and stated the opinion that higher profits should not be considered over public safety and quality of life.

Jim Stephens, 4603 West Detroit Street, indicated support for the amendment and stated that although no one wants a use to be approved that would be totally incompatible with the surrounding residential uses, the owner of the land does in fact have certain rights as well. He added that if the safe operation of Stellar Airpark was predicated on an extremely specific land use design north of Stellar, then that land should have been purchased when Stellar was built. He commented on the fact that Stellar Airpark is a unique residential community and if the City opposes the placement

of homes at this location simply because of Stellar, what the City is saying is that people who own planes can own a home near or in the Airpark, but people who do not own planes or do not purchase property in a development for pilots cannot live near the Airpark. He commented on the value of the land and stated the opinion that discriminatory uses are inappropriate and a compromise situation should be reached. He added that encroachment works both ways and encouraged citizens at peak hours to go out and stand in the field and witness for themselves that they are not talking about another Sky Harbor Airport or Luke Air Force Base.

Alice Sibbitt, 4306 West Venus Way, a resident of Stellar Airpark, stated opposition to the amendment and expressed the opinion that allowing additional homes to be built off the end of the runways will result in numerous complaints and will negatively impact the safety of the residents in that area. She commented on efforts she expended to gauge the opinion of residents in surrounding areas relative to this proposal and discussed the number of negative comments she received from residents who are opposed to the airport itself. She stated the opinion that if residents who live that far away from the airport have that many negative comments to offer, she can only imagine the backlash that will occur from residents of homes if they are allowed to be built that close to the airport.

Kem Sibbitt, 4306 West Venus Way, stated opposition to the proposal and said that in response to the citizen who said for the most part he has never seen a low flying plane, generally as part of a good neighbor policy the pilots try to stay way above the houses. He said that although the pilots do not have to do that, it is part of the good neighbor policy that they try to enforce. He commented on the fact that those speakers who support the proposed amendment have indicated that noise is no longer an issue and that they enjoy watching aircraft. Mr. Sibbitt said that as much as he loves airplane noise, he personally would not want to live underneath the flight path that is being proposed by the developers. He reiterated the comment presented by previous speakers and emphasized that the building of homes in close proximity to an airport, particularly at the end of an active runway, is extremely detrimental to the airport and extremely hazardous to the owners of the homes.

Mr. Sibbitt also raised another issue related to the Kyrene School District and referred to an article he recently read relative to an increase in the class sizes at Aprende School. He reported that the sixth grade class contains an average of 35 students per class and asked what the impact will be on those classes when over 200+ homes are built. He also discussed negative impacts on the neighborhood and surrounding bussing issues. He also expressed the opinion that although disclosure statements will be signed at the time of the sale, those documents are one of many papers signed, and citizens will not recall signing those statements when planes are flying low over their homes negatively impacting their safety and overall quality of life.

Mr. Sibbitt went on to say that in talking to residents he found that Desert Breeze has been telling a lot of the neighbors that industrial development on that site means big diesel trucks, a lot of smoke and noise, and a lot of dirt. In fact, a more restrictive, employment based zoning, like what is currently in place, would generate less traffic and noise, in his opinion. Mr. Sibbitt asks the Commission to keep the zoning as it is. He believes that if houses are built that close to a runway, and directly under a flight path, it will forever change, and eventually destroy, Stellar Airport. Bad business decisions on a

developer's part should not be a reason to change zoning that will have a long-term detrimental effect on a pre-existing point of pride in Chandler.

Ronnie Rowe, 722 North Butte Avenue, a resident of Park Promenade, spoke in favor of the proposal and single-family residential development in the area. He stated the opinion that the homes are appropriate for the area. He noted that the Superintendent of Schools has been contacted regarding the proposal and has not indicated that he has any problems with the plan as presented. He added that he believes firmly, as does the owner of the land, that very little opportunity exists to develop any commercial piece of goods on this land, and stated as an example that the property has been vacant for a very long period of time. He also commented on the commercial development portion of the proposal and expressed the opinion that the development is appropriate, will positively impact the City and will generate needed tax dollars. He commented on the fact that the runway tax valuation of Stellar Airpark, which was previously valued at \$2.4 million, has decreased to \$24,502 within the past couple of years and explained that as a result of this legislative "slight of hand," the commercial enterprises and private users of the runway pay virtually nothing, the use is free. He emphasized that he and other residents in his area have no problem with Stellar Airpark and in fact hope it stays in operation, but added that building single-family homes on the land under discussion is both necessary and appropriate and will positively impact the City of Chandler.

James Stone, 4303 West Mercury Way, spoke in opposition to the amendment and commended the members of the Commission on their past decisions related to the PAD where they continued to keep the zoning light industrial. He also commended the City of Chandler on the manner in which it has enforced the architecture and landscaping around the light industrial buildings to ensure that they are a real credit to the community. He noted that he is a certified flight instructor and has been for over 30 years. He added that he has also flown in and out of Stellar Airpark over the last 35 years. He expressed the opinion that from a safety and noise standpoint, the area to the north, in the proposed development location, is of tremendous value to the community in that it provides a "safety net" so that if a problem does arise, there is someplace to set the airplane down. He noted that airplanes do not always land on runways and stressed the importance of ensuring that this "safety net" remains in place. He also emphasized the fact that that light industrial development is much more compatible within an airport environment than residential development.

Joe Martin, 4306 West Jupiter Way, said that the residents who oppose the project are also concerned about the children in the area. He commented on the fact that insulation can be provided to lessen the impacts of noise but questioned how the noise can be buffered so as not to impact those residents who are outside, enjoying their backyards and the outdoors. He noted that planes will fly over those homes at very low altitudes at 100 miles per hour and said that this will frighten and annoy those owners. He said that he would also like to comment on the "FFC Contour," and explained that this stands for the "Fear Factor and Complaint Contour." He stated that if homes are allowed to be constructed underneath the base leg on a final approach path, complaints will be generated and people will get scared when they see planes flying at such low altitudes. He added the opinion that the amount of disclosure information that will have to be signed off by residents in order to provide them the "whole picture," would be enough to fill a small book. He expressed the opinion that if that much disclosure information must

be disseminated, a definite problem exists and they probably shouldn't be doing the project in the first place.

Ed Breunig, 1739 Knox Road, the owner of a residential lot and a commercial lot in Stellar Airpark, stated that he is opposed to the amendment. He said that prior to purchasing either lot, he performed a feasibility study for the commercial site as well as on building a residence in Stellar Airpark Estates. He added that he knew the property to the north was zoned commercial/light industrial and that residences existed to the north. He commented that all of those people who bought homes in the area knew that they were purchasing them in an area located in close proximity to an airport and accepted that fact. He stated the opinion that any new development that threatens the future existence of Stellar Airpark and negatively impacts real estate values throughout the Airpark area, should not even be an issue for consideration. He commented that developers typically submit plans containing a significant amount of density in order to generate the most profits, and added that cities typically like to see plans containing more parks, amenities and wide streets. He expressed the opinion that it is important to maintain a good mix of commercial as well as residential as long as it is compatible with the Airpark. He believes that has been done and to change that now would have an adverse affect on Stellar residents and on residents purchasing the new homes due to noise levels, danger, etc. He urged the members of the Commission to support Staff's recommendation for denial and protect the safety and property values of people in that area.

Ken Hasbach, 4136 West Laredo Street, a homeowner in the Park Promenade subdivision, commented that he definitely supports the amendment containing both residential and mixed commercial uses. He added that a crystal ball should be purchased that can predict that three years from now there will not be any problems resulting from the project. He said that he believes the people who will purchase the expensive homes will be intelligent people, aware of what they are purchasing and the area they are purchasing in, and added that they alone should be the ones to make the decision on whether or not to purchase in the area. He noted that the length of the runway limits the size of planes that can utilize the airport. He also stated that the land will not remain vacant and expressed the opinion that the current proposal represents an appropriate use and should be allowed to proceed.

Steve Stang, 4176 West Monterey, advised that he and his wife just learned from their son's teacher at Aprende School that their sixth grader's class is going to increase in size next year. He said that they have concerns regarding the population density in that area, particularly in view of the large number of apartments within the one-mile radius, and asked that the City look into this matter. He questioned whether the development of additional housing is feasible or whether over-development has already occurred within the area. He also expressed concerns about noise pollution and said that he would like to see a new study conducted on the noise issue and added the opinion that the high-density levels will generate more noise. He commented on the fact that the new mall and residential development throughout the area has already boosted noise levels and urged City Staff to look into this important issue and protect the area and the residents.

Chairman Ryan requested that Mr. Pluster contact the Kyrene School District and discuss possible impacts on the Aprende School if the General Plan Amendment is approved.

Bill Orth, 881 West Oriole Way, said that he is a Chief Pilot employed at Stellar Airpark and has flown airplanes for over 30 years and helicopters for over 10 years. He reported that helicopters are required by FAR (Federal Aviation Regulations) to avoid the flow of fixed wind traffic and therefore do not fly within those traffic patterns. He referred to letters he forwarded to the Commission on this issue and said that the path helicopters take is typically down 79th, which runs basically between the runway and McClintock. He said that he has not seen anything specifically proposed for helicopter arrivals/departures and emphasized that he is strongly opposed to the amendment to the General Plan. He stressed the importance of closely reviewing helicopter operations as well as the negative impacts the proposed plan would have on the safe operation of those types of aircraft. He offered to provide whatever assistance he can to City Staff on this matter,

Michael McKelvy, 431 North Diane Court, said that he supports the measure for many of the reasons already stated. He added that the primary issue he would like to address relates to noise abatement and the noise contour diagram displayed in the room. He noted that the diagram is an old one and needs to be updated. He questioned whether the noise levels depicted on the chart accurately apply to the current percentage of take offs and landings coming from the north and south or whether the figures are more closely related to another model.

Stratton Hermann, 4301 West Saturn, commented that he is strongly opposed to the development of homes at the end of the runway. He provided brief history relative to the development of the Airpark and said that throughout the years, the residents of Stellar Airpark have received assurances from countless members of City Council, that no homes would be constructed on the north side. He added the opinion that disclosure reports are a joke and will not eliminate complaints from the residents who ultimately purchase the homes. He expressed the opinion that the property should be developed for business/commercial purposes and asked the members of the Commission to act responsibly and uphold Staff's recommendation for denial.

Gary Mosley, 4337 Rickenbacker Way, spoke in opposition to the approval of the proposed amendment. He stated the opinion that families who purchase homes at the end of the runway will be placed in harm's way. He believes a compromise could be found for all the neighborhoods, and all the concerns, if they try. Perhaps a golf course or some other open-space use. He commented on the fact that back in 1979, the City Council committed to the residents of Stellar Airpark that homes would never be developed in this area and asked the members of the Commission and the current City Council to uphold that commitment. He emphasized that economics should not drive this decision and the expert opinions presented this evening by members of the aviation community should be listened to.

Chairman Ryan stated that he has read off the names of everyone who has submitted a card to speak and asked whether there were any citizens in the audience who wished to present comments on this issue.

Leigh Rivers, 3737 West Geronimo Street, spoke against approval of the General Plan Amendment. He commented that previous speakers had suggested that commercial opportunities on this parcel were practically non-existent and stated the opinion that the comments are untrue. He discussed the fact that recent freeway expansions have

resulted in broadening commercial ventures and opportunities and noted that the expansions continue to occur. He expressed the opinion that the intersection will constitute a "diamond in the rough" as far as commercial development. He added the opinion that within the next three years, a number of hotels and casinos will be developed south of the park on Indian land, and noted that the development will not be regulated by the City of Chandler. He said that this might result in take offs to the north, which will only serve to impact the residents to an even greater degree. He suggested that the members of the Commission visit the field they are discussing before the next public hearing and said that he is sure a large number of pilots would volunteer to fly over and provide examples of what the noise impacts would be if the project goes forward.

Mark Sherman, 4200 West Earhart, said that he is opposed to the project and referred to an original advertisement for Stellar Airpark which he displayed in the meeting room. He noted that the advertisement is 35 years old. He stated the opinion that there is no question that accidents will take place if the project goes forward and said he firmly believes that accidents will result based on statistics that have been calculated by the government. He said that the accidents will occur during take offs and landings and the safety of the owners of homes at the end of the runway will be severely impacted. He commented on noise, safety and liability concerns and explained the concept and negative impacts of sound pressure waves. He reiterated that mechanical equipment will have failures and stressed the importance of not placing families in harm's way. If someone loses a family member in such an accident, they will sue. They will sue the maker of the airplane, they will sue Stellar Airport for putting the runway there, and they may even sue the City for allowing homes to be built there.

Steve Schipper, 103 South Stellar, a resident of Stellar Airpark, explained how planes maneuver and taxi without benefit of a control tower. He emphasized that if everyone plays by the rules, it is a simple matter to figure out where you should go. He commented on the fact that a significant amount of development has occurred within the area and noted that the property in question is one of the only remaining vacant spots. He spoke in opposition to allowing homes to go in simply because that type of development will generate the most money.

Valerie Olmsted, 15 South Stellar Parkway, said that her home is located diagonally across the runway from the roadway and added that the noise she hears at 6 a.m. is considerable. She stated that if the homes are allowed to go in as proposed, those owners will definitely hear the noise and no matter how many disclosure statements are signed and filed, a significant amount of complaints regarding the noise will be received on a consistent basis. She commented that although she loves living there, the noise is disturbing when you are trying to sleep. She also noted that her husband was a captain for America West, flying mostly 737's, and he told her that he could land one of the planes he flew on the runway at Stellar. She said that this is something that should be considered because it is not impossible that planes of that size might use the runway in the future.

Chairman Ryan commented that if a runway is long enough for a particular plane to land there, then that plane has the right to land on that runway.

Chairman Ryan thanked all of the speakers for their input and patience this evening.

The following citizens (listed in alphabetical order) submitted speaker slips indicating opposition to the project but did not wish to speak at this time:

Megan Asad	648 N. Rita Lane
D. Ronald Boice	4251 W. Earhart Way
Ann Clovis	4302 W. Mercury Way
John Coffman	4497 W. Rickenbacker Way
Bill Donaldson	3725 W. Geronimo
Ingrid Donaldson	3725 W. Geronimo
Larry Dustman	4146 W. Jupiter
Michele Dustman	4147 W. Venus Way
Michele Dustman	4306 W. Mercury Way
Dennis Gerlach	4305 W. Mercury Way
Tom Gilcrest	4357 W. Rickenbacker Way
Russ Gilmore	4302 W. Venus Way
Robert Kirk	4351 W. Earhart Way
Christopher Kracht	1367 N. Kenwood Lane
John Morris	4300 N. Saturn Way
Robert Morris	None provided
Paul Peterson	4301 W. Mercury Way
Evelyn Peterson	4301 W. Mercury Way
Marilyn Pixler	2242 W. Hawker Way
Richard Pixler	2242 W. Hawker Way
Billie Saffell	4309 W. Saturn Way
Glen Saffell	4309 W. Saturn Way
Linda Smith	4307 W. Saturn Way
Lynn Smith	4307 W. Saturn Way
Donna Stang	4176 W. Monterey Street
Mary Stone	4303 W. Mercury Way
E.E. Stover	4307 W. Mercury Way
Pat Stover	4307 W. Mercury Way
James Timm	220 E. Ellis Drive, Tempe
Gordon Whelpley	4305 W. Saturn Way
Theresa Whepley	4305 W. Saturn Way
Marie Zawtock	4182 W. Kent Drive

The following citizens (listed in alphabetical order) submitted speaker slips indicating support for the project but did not wish to speak at this time:

Richard Abbey	640 N. Alder Drive
Brad Clausen	4196 W. Laredo Street
Kim Clausen	4196 W. Laredo Street
Warren Cole	4205 W. Laredo Street
Bonnie Easterly	4175 W. Dublin Court
Wendy Eischen	3125 W. Laredo Street
Changguan Fan	4163 W. Bart Drive
Joseph Foti	4707 W. Tyson Street
Karen Foti	4707 W. Tyson Street
Kenneth Gee	4066 W. Laredo Street
Mary Jo Gilsdorf	4541 W. Flint Street

Bev Hamilton	4214 W. Dublin Court
Robert Hamilton	4214 W. Dublin Court
Don Helt	651 N. Alder Drive
Dan Lenhauser	4065 W. Laredo Street
Jeanna Lenhauser	4065 W. Laredo Street
Roy Lewis	4166 W. Monterrey Street
J. Lichtenberg	4133 W. Bart Drive
Dolly Martinez	4194 W. Dublin Court
L. Martinez	4194 W. Dublin Court
Donna Martinot	4195 W. Laredo Street
Ed Martinot	4195 W. Laredo Street
Mark Messer	3662 W. Carla Vista Drive
Sandra Messer	3663 W. Carla Vista Drive
Norine Mihajlovich	6283 W. Megan Street
Muhammad Mughal	4145 W. Laredo Street
Dan O'Connor	4211 W. Linda Lane
Rodney Pescaveto	4790 W. Erie Street
Margaret Riddall	431 N. Diane Lane
Nawir Saman	4075 W. Laredo Street
Joe Spadar	4135 W. Laredo Street
Kim Stapp	4055 W. Laredo Street
Gerleen Treptow	4611 W. Oakland Street
Richard Treptow	4611 W. Oakland Street
Michael Wagner	4649 W. Carla Vista Drive
Kent Weninger	3655 W. Carla Vista Drive
Gordon Yee	4186 W. Laredo Street

Chairman Ryan reiterated that the members of the Commission will not vote on the matter tonight and advised that discussion has taken place relative to holding the second public hearing on March 19th. He said he would prefer that the second hearing not be held on a regular Planning and Zoning Commission meeting date and that a separate meeting be scheduled just for this purpose.

Mr. Pluster noted that Staff has not as yet advertised the date of the second public hearing and said that in view of the additional research that Staff has been asked to conduct, he would suggest that the date of the second hearing be moved to a later time.

Mr. Pluster said that he and the applicant Mr. Bull have discussed possible dates for the second hearing and decided that approximately 60 days is needed in order to thoroughly conduct the additional research that has been requested. He suggested that April 23rd be the date of the second public hearing and noted that this is a Wednesday evening. He added that Staff will check on room availability (Council Chambers) and confirm the date, but he would like to tentatively set the date of the second hearing for April 23rd. He indicated Staff's intention to notify everyone who has signed in that the only action on the agenda of the March 19th meeting will be to continue the matter to the April 23, 2003 meeting date.

Mr. Bull recommended that the members of the Commission set a definite date of April 23, 2003 for the second public hearing and said that if for some reason the Council

Chambers are not available, then notice should go out to everyone advising them of the revised date. He stated the opinion that holding a meeting on March 19th simply for the purpose of advising the members of the audience that the meeting has been continued would inconvenience citizens and all interested parties.

Chairman Ryan and the members of the Commission concurred with Mr. Bull's comments. Mr. Pluster noted that the March 19th date was tentative and indicated Staff's intention to aim towards holding the second meeting on April 23rd. He added that Staff will confirm the availability of the Council Chambers on that date and will advertise that the date of the second hearing will be April 23rd date and notify all interested parties as soon as that availability has been determined.

5. DIRECTOR'S REPORT:

There was no report at this time.

6. CHAIRMAN'S ANNOUNCEMENT:

Chairman Ryan announced the next Regular Meeting will be held on March 5, 2003 at 5:30 P.M. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 S. Delaware Street, Chandler, Arizona. He noted that discussion of the proposed General Plan Amendment will NOT take place at that meeting.

7. ADJOURNMENT:

The meeting was adjourned at 10:55 p.m.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, March 5, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:34 P.M.
2. Pledge of Allegiance lead by Mr. Flanders.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Ms. Jeanette Polvani	Mr. Rick Heumann
Mr. Mark Irby	

Absent & Excused: Ms. Tajuana Kemp

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Thomas Ritz, Planner
Ms. Jodie Novak, Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY MR. FLANDERS, seconded by MR. HEUMANN, to approve the minutes of the February 19, 2003 meeting. MOTION CARRIED UNANIMOUSLY (5 to 0).

5. CONSENT AGENDA

CHAIRMAN RYAN recommended items A, C, D, & E be approved on the Consent Agenda.

a. DVR02-0032 WINDMILL SQUARE AND VILLAS

CONTINUED, to March 19, 2003, Planning and Zoning Commission Meeting, this request to amend a portion of an existing Planned Area Development (PAD) to allow a 43-lot single-family residential subdivision and commercial center with Preliminary Development Plan approval including housing product on approximately 18.13 acres. This property is located at the northeast corner of McClintock and Ray Roads.

c. DVR02-0039 GE CAPITAL

APPROVED, this request for rezoning from AG-1 to PAD for a modular trailer storage, service, sales, and administrative facility with Preliminary Development Plan approval for an approximate 17-acre parcel located approximately 600 feet south of the southeast corner of Warner Road and Delaware Street.

Staff, finding consistency with the General Plan, recommends approval of the rezoning and Preliminary Development Plan subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Rezoning and Preliminary Development Plan for GE Capital Modular Space" kept on file in the City of Chandler Current Planning Division, in File No. DVR02-0039, except as modified by condition herein.
2. Right-of-way dedications to achieve full half width for Delaware Street, including turn lanes and deceleration lanes, per the standards Right-of-way dedications of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69KV), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69KV or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
6. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
7. Landscape material along Delaware Street shall consist of 50 percent 24-inch box trees and 50 percent 36-inch box trees to create a variety of tree sizes along the street frontage.
8. Landscaping shall comply with the Commercial Design Guidelines.

d. PDP02-0034 MARKWOOD NORTH

APPROVED, request for Preliminary Development Plan approval for housing products for an approximate 270-lot single-family residential subdivision on approximately 87 net acres. This property is located at the northeast corner of Appleby Road and Cooper Road.

Upon finding consistency with the General Plan, Staff recommends approval subject to conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Markwood Courtyards - Preliminary Development Plan" kept on file in the City of Chandler Current Planning Division, in File No. PDP02-0034, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3054, case PL99-0041 Markwood Farms, except as modified in condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one and two-story homes as defined under the Residential Diversity Standards.
4. No more than two adjacent lots shall have identical rooflines on the rear elevation visible from arterial streets.
5. The same elevation shall not be built side-by-side or directly across the street from one another.
6. All housing plans shall provide standard rear yard covered patios.
7. Housing product shall consistently apply architectural details and features to the second story rear elevations such as that applied on Plan 311.

8. For those lots abutting Cooper Road, Queen Creek Road and Emmett Drive no less than 50 percent of the homes shall be one story and there may be no more than two side-by-side two-story homes.
9. Homes with two story elements where the two story elements are built side-by-side shall have a 20-foot separation between homes.

e. PDP02-0035 BANK ONE

APPROVED, request for Preliminary Development Plan approval for a bank at 2915 East Riggs Road (west of the southwest corner of Riggs Road and Gilbert Road).

Staff, finding consistency with the General Plan and previously approved PAD zoning, recommends approval of the Preliminary Development Plan subject to the following conditions:

1. Compliance with the original stipulations adopted by the City Council as Ordinance 3214, case DVR00-0038 Albertson's, except as modified in condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Bank One" kept on file in the City of Chandler Current Planning Division, in File No. PDP02-0035, except as modified by condition herein.
3. Sign packages, including free-standing signs, as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.

MOVED BY MR. HEUMANN, seconded by MR. IRBY, to approve the Consent Agenda with additional stipulations as presented by Staff. MOTION CARRIED UNANIMOUSLY (5 to 0).

6. ACTION ITEMS

b. DVR02-0036/PPT02-0012 ADOBE TOWERS

MR. MAYO presented the item stating this is a request for rezoning from AG-1 to PAD for a 14-lot single-family residential infill subdivision with Preliminary Plat approval and Preliminary Development Plan approval for the subdivision layout and housing product for approximately 1.9 acres located at 1250 W. Ray Road. The case was previously heard at the February 5, 2003, Planning and Zoning Commission meeting. There were two neighborhood meetings; one heard October 15, 2002, and one on January 21, 2003, as well as a Design Review Committee hearing on February 18, 2003. The last remaining concern is the potential traffic impact upon the existing residential streets. The applicant has provided a right-turn exit only gate controlled by a vehicular sensor at the south end of the property to provide direct access onto Ray Road. Staff has evaluated this proposal as an infill development even though it is not eligible to apply for the residential infill incentive. Staff finds this proposal to be a viable solution to a challenging remnant parcel and recommends approval.

Upon finding consistency with the General Plan, Staff recommends approval to rezone the property from AG-1 to PAD for a single-family residential subdivision with Preliminary Development Plan approval for subdivision layout and housing product, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Adobe Towers" kept on file in the City of Chandler Current Planning Division, in File No. DVR02-0036, except as modified by condition herein.
2. Completion of the construction of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
3. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
4. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
6. The homes shall have all copper plumbing for those lines under water pressure.
7. The covenants, conditions, and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy.
8. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
9. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. The building minimum setbacks shall be 16-feet for the front yard, 5-feet and 5-feet for the side yards, and 10-feet of the rear yards.
11. The maximum height of the homes shall not exceed twenty-two (22) feet.
12. All rear facing windows shall be glass-block.
13. Perimeter wall to be raised to a height of seven (7) feet.

Staff recommends approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

MR. MAYO, in response to a question from Mr. Heumann regarding the traffic study, states the new traffic study is included in the Development Booklet. The original traffic study does not show an exit out to Ray Road and the street in question, Gary Drive, shows 65 trips per day. The amended traffic study shows 10. By opening up the exit to Ray Road there is a significant decrease to the neighborhood. CHAIRMAN RYAN said it is only with the reduced trips on the residential street that is accounting for exit only onto Ray Road. MR MAYO responds correct.

MR. GLEN PACE, 1481 W. Gail Drive, Chandler, states he is the treasurer of the Festival Celebration Homeowner's Association. There have been lengthy discussions with the developer going back a few months. It is the opinion of the Homeowner's Association that this is a project they would support. He states he is pleased by the right turn exit option onto Ray Road. This significantly addresses some of the traffic concerns that the Board and neighbors have. Their position is this is a project they can live with.

MR. CHARLES WILSON, 1360 W. Gary Drive, Chandler, states Mr. Pace does not represent what the feeling is in the neighborhood around this project. At the last meeting it was stated that this traffic could not be dumped back onto Ray Road, going and coming, because of some legal technicality. There are

two streets going into that neighborhood, Comanche and Sean. Sean and Comanche handles most of the traffic going out and it dumps onto Ray Road. What would be so different with this traffic dumping onto Ray Road. It would just be another street dumping onto Ray Road and how would it be so unsafe. He appreciated the change to put in the exit only. The two streets that will be affected are Gary and Park, Gary going out, Park coming back in. Those are the streets the present owners use today. He feels that the traffic reports that have been presented are not realistic because the traffic counters in the street were down and up so fast. There are 100 plus houses already in that neighborhood and their lifestyles are being forced to change because of this new project.

MR. ZAK SAENZ, 1370 W. Gary Drive, Chandler, states his problem with the community being talked about is the entrance and exit onto Gary Drive. He would like to see an exit and entrance only onto Ray Road for this community. Celebration does that, there should not be any difference with this new community doing the same thing. He does not feel there is going to be any safety factors involved as they seem to do it everyday without any problem. If the entrance and exit is allowed to be dumped onto Gary, most of those people will chose to go out onto their street versus directly onto Ray which means they would be seeing closer to the higher end of the figure in the traffic study, the 65, in and out per day versus the 10. He states he has no problem with the new updates on the designs of the homes nor does he have any problems with the community going there, however, feels that the entrance and exit dumping onto Gary Drive will be a hindrance and is not in support of that.

MR. KIRK BALL states he is one of the homeowners on the perimeter of this development. The Homeowner's Associate stated that they are in support of this development, however, the people on the council of the Homeowner's Association cannot see it from their back window. The people that are surrounding that area will see that development. He pointed out that he was at the meeting with some of the homeowners in the surrounding area and the agreement that was reached at that meeting was instead of having all two-story homes it would have one and two story homes so there would be a breakup in the design of the homes and be more consistent with the homes that were placed in the Celebration subdivision. He states having gone through his subdivision, in terms of the type of homes that are in his subdivision, there is a lot of difference. There are one-story homes, a few two-story homes, scattered throughout. There are no two-story homes that are nine two-story homes together. To take this many two-story homes and place them in the center of a subdivision that has one and two-story homes is not going to be consistent with that neighborhood. This is one of the criteria that the Zoning Commission takes into consideration in whether to approve a development. Is it consistent with the neighborhood in the surrounding area. None of the homeowners around the perimeter of that subdivision want to see all two-story homes in the middle of that. It is going to impact negatively upon the homeowners that surround that subdivision. In regards to setbacks he states he went through the two subdivisions that are part of his homeowner's association to see how much of a setback there is between the two-story home and the home it backs. Most of the homes he saw there was a significant amount of space between the back wall of that second story home and the home it backs. Most of the second story homes in his subdivision back common ground areas so the problem of staring at a second story when you walk out your back door is not there. There are homeowners around the area that are not happy about the 14 second story homes going into a little bit more than an acre of land. He objects, but appreciates the developer is trying to give some kind of buffer by placing trees, but there are only so many trees that can be put into a backyard.

MR. BALL states many of the homeowners were not able to be at this meeting as they work downtown and could not get off. He also expressed concern why there was not proper notice given to the homeowners in the area. It was his understand that a meeting like this the homeowners in the immediate area are to receive some notice in the mail. The orange sign on Ray Road has two different dates and those dates have passed. Unless you read the article in the newspaper, you would not have known about

this meeting date. MR. KURTZ, in response to Chairman Ryan's inquiry about notification, said what the Code requires and what is provided is notice to property owners within 300 feet of a rezoning. The project has had a variety of neighborhood meetings. There has been participation. The dates that are posted on the sign are the original hearing dates and if this Commission were to continue the case the dates on the sign are not changed. Hopefully everybody that should have gotten notice or needs to get noticed or wanted to participate has had the opportunity. Planning Commission is a recommending board to the City Council and there is another opportunity to address this matter at the City Council meeting. MR. BALL said he did not get a notice. He got a notice of the one that was cancelled. He knew about the neighborhood meeting from the Homeowner's Association. He states the notice he received was the original meeting for this Board and that was the meeting held last month that was postponed and tabled to this month. It was the date that was in accordance with the sign on Ray Road.

MR. HEUMANN said at the last meeting there was discussion that the neighbors were looking for view lines. MR. MAYO said they were looking for view corridors. Initially the second neighborhood meeting was to be with the HOA. The people that attended the original neighborhood meeting, their names and phone numbers were given to the HOA president who was to call them in regards to the second meeting. At that second meeting, the applicant had agreed he would try to provide a one and two story mix but found he could not make it fit and was coming up with tiny houses. The HOA president said he had been in contact with the neighbors and had come up with the consensus that they did not want to see two story homes lined up so they created 22-foot view corridors.

MS. ELAINE RYNEARSON, 1423 W. Park Ave., Chandler, states she has been to couple of the meetings. She voiced a concern because she lives between Arrowhead and Sean. All the kids on her street play in the street. There are kids that dart out into the street. It is their major concern for any extra traffic. There is enough traffic going down Park Ave. let alone add another development. These kids act like they are going back to the sidewalk and then turnaround and come back out. These are the neighborhood kids. They play in the street, but she states they deal with it and are concerned about the extra increased traffic.

MS. CINDY O'NEIL, 1321 W. Gary Drive, Chandler, states she met with Mr. Makarchuk after the meeting where the site lines were talked about to be adjusted and the views changed on his plans for the site. Mr. Makarchuk told her that one of the plans was he would dig down and lower the height of the houses even though they may be two-story they will have a lower height ratio to the other houses. He was not able to do some of the dimensions. In the midst of that they came to an agreement and he told her he would send a letter to verify, but she states she has not seen that letter as to what was discussed. She wanted it known that there was a conversation about the changes of heights, that there would be an agreement of a height. Mr. Makarchuk did mention that there were difficulties in meeting that agreement. The Homeowner's Association president never contacted her. She lives within 300 feet and her home is the greatest affected by this whole development.

MR. HEUMANN, for clarification, asks Ms. O'Neil if she believed there was going to be lower elevations so there may be two-story homes but brought down. MS. O'NEIL replied if there were two story homes there would be a lower elevation so it would not look like it was a row of townhouses in the midst of one-story homes.

MR. MAKARCHUK, 2281 W. Galveston, Chandler, states at the original meeting the predominate issue was the impact of the traffic on the neighborhood. There was talk about the two-stories. After the first meeting the possibility of putting in a split level home was looked at and also lowering the height of the two-story homes to a height that everyone could live with. In the second meeting with the homeowners the view windows were proposed to the Board and to the people who were attending the meeting. He

states they never changed the buildings from two-story to one-story. It was said they would try to look at it, but at the second meeting it was said it could not be done, it was not economically feasible. He states they covered with the view windows where they modify the units to create 22-foot spaces in between the homes and that seemed to be agreeable with everyone. The impact of the traffic was discussed but at that time a traffic study had already been done and the result of the study did not cause great concern among the people who were at the second meeting. However, the last meeting held here, it was brought up by Mr. Wilson the concerns of the people on Gary.

MR. HEUMANN said at the second meeting it was talked about doing the view corridors. He asks if it was mostly or all the homeowner's board or were some of the residents that are having concerns present at that meeting. MR. MAKARCHUK said it was about half and half. MR. MAYO added at the original meeting, October 15th, was mostly neighbors and one or two HOA Board members. It was advertised and a continuance was requested so the HOA could meet with the developer at the January 21st meeting. A list of the original attendees of the Oct. 15th meeting was given to the HOA president who said he would call and invite them to the Jan. 21st meeting. The January meeting was initially between the applicant and the HOA because the HOA had requested a second meeting. At that meeting it was a half and half mix of neighbors. That was the meeting at which the proposal of potentially doing a one story on certain lots and shifting things around. After that it was mostly HOA board members that came up with came up with the view corridors. MR. HEUMANN said it sounds like it was dealt through the HOA versus dealt through the people most affected.

CHAIRMAN RYAN said of the Celebration Homes there are five lots that back up to this development from the east. He asked how many of those are one story. MR. MAYO said there are two two-story homes that are on the southern end and the first three starting west and heading south are one story.

MR. FLANDERS asks on the existing subdivision what are the side yard and rear setbacks. MR. MAYO replied Festival has a front yard of 18, side yards of 5 and 5, and rear yard of 10. Celebration has a front yard of 16.5, side yards of 5 and 5, and rear yard of 10. MR. FLANDERS states as far as setbacks they are matching the existing subdivisions that are around it. With the view corridors, on a two story they do exceed the setbacks. MR. MAYO said it is correct for the setbacks, but the homes are smaller. They do not go out and touch their setbacks; they pull the house towards the front and skew them to one side. Their minimum setbacks are the same as what are proposed at Adobe Towers, the lots are smaller.

MS. POLVANI said it was her understanding from the traffic study it is exit only out to Ray Road. When reading the traffic study, it looks like right turns from Ray Road to Adobe Towers and right turns from Adobe Towers headed west on Ray Road would be able to use the new accesses. MR. MAKARCHUK responds that is not correct. It is exit only for the traffic inside this proposed subdivision. MS. POLVAINI said Engineering may have done both for this study.

MR. HEUMANN said the letter explaining it has the right turn from Adobe Towers. A right can be made into the development. He questions whether the map is right, whether it really does down from 65 to 10, or was the traffic people basing it on the fact that it would be accessible from Ray Road into the center. MR. KURTZ said in the scope of things it is probably not that measurable of a distinction between it. What it does show gives the idea that it does decrease the amount of trips in the neighborhood. It does improve and decrease the amount of traffic in the neighborhood. MR. HEUMANN questions the validity of the study based on the narrative.

MR. IRBY said there is no back up information that identified how the study was done or the duration of the study. He would like to see a more updated study with more backup material. In regards to the view corridors, looking at the building elevations he can see how they are spread apart, but does not see

anything in the documents that identifies where these will happen. It is assumed it is happening based on one elevation. MR. MAKARCHUK said the elevations that were submitted at the previous meeting reflected the models going on the specific lots so that they would create these corridors. There were four lots that have one model and the balance of them have the balance of these view corridor models. MR. MAYO, in response to Mr. Irby's concern about the view corridors, said a stipulation could be added that states that X lots are required to be the Plan 200, the view corridor house. MR. IRBY also had a question about a 20-foot rear setback. When looking at the documentation, there is a 10-foot rear setback as a minimum so the buildings have some variation in the back elevation. It is also identified in the Site Plan there is some staggering of units. He requested a stipulation that pins that down.

CHAIRMAN RYAN wanted to hear from any of the neighbors that live in the homes that back up on the east side since they are the ones most affected.

MS. O'NEIL disagreed that they are the ones most affected because she feels she is the most affected and is not in Celebration but in Festival. The length of her house faces the wall of this development.

MR. HEUMANN asks if there was conversations from the HOA Board with the neighbors, were there phone calls made to get the neighbors that are most affected. He asks how the Board approached this. MR. PACE said there was a written notice that went out for the initial Planning and Zoning Commission, which was in January. There were some phone calls made by some of the members on the Board. The people could have attended any of the homeowner's association meetings that they get mailings on. None of the people present came to any of the meeting. The last public meeting with the Board, the developer, and Mr. Mayo, he states he left that meeting with the understanding that there would be a mix of single and two-story. It appeared later on that some number crunching was done and could not make it work so the developer came back with an amended plan. He states he lives at the opposite end of this development and it is a greater impact on the individuals that are present this evening. MR. HEUMANN asks when the Board endorsed the project. MR. PACE said they left that meeting with the understanding that there would be a mix of one and two-story. They would support the developer in his request to have the entrance on Central gated with the belief that this would minimize some traffic concerns. There were concerns about people zipping in and out and also some homeowners mentioned concerns with children playing in the street. He states they agreed to the secondary position from the developer.

CHAIRMAN RYAN invited Mr. Ball back up and asked him what his rear yard setback was. MR. BALL said it is at least 15 feet to the back of his house. The neighbors along the east side of the development are very concerned about a large two-story development going in. CHAIRMAN RYAN said from Commission's perspective what they look at is if the setbacks, the size of the units, are comparable to what was built in the subdivision. If Celebration would have built in this area, they had the opportunity to build at least two units that could have been two-stories with 10-foot rear yard setbacks. MR. BALL said in going through the Celebration and Festival subdivision, it is designed in such a way that for those homes that back onto two-story homes there was either common ground behind them so there is no home there or the homes that have two-stories that back up to them, it was assured that there was a large setback. In his case he did not have that option because there was nothing behind him at that time. Mr. Makarchuk has placed some trees behind him. What most disturbed Mr. Ball when he talked to the president upon learning they had reached an agreement was that they said there is going to be trees buffering along the common ground on the north side of the property. A much greater concern would be trees on the east side. With some of these trees, homeowners will be trimming trees because they will be sticking over the wall of the owners already there. He clarified that he did not receive notice and neither did the other homeowners in the area.

MR. SAENZ said in Festival looking through the community at the actual setback from the wall to the homes it is about 20 to 25 feet for the average.

MR. KURTZ responding to Chairman Ryan's question states by the subdivision plat and the Zoning District all the setbacks in Celebration and Festival are 10 feet but as mentioned by Mr. Mayo they are not always built to the rear property setback line.

MR. WILSON commented that he does not know of any home that is less than 20/25 feet. MR. KURTZ responded in the Zoning District they are in the minimum rear setback is 10 feet, however, most homes are not built at the minimum setback and they will tend to be built to have a larger backyard.

CHAIRMAN RYAN comments there seems to be some new concerns that have been brought up. If a continuance is in line he asked that the applicant go back to the people that are directly adjacent and most affected to this property on all sides. The window corridor is still an item that is left out that needs to be defined as far as exactly where the window corridors are. The possibility of some integration of one story should still be in the picture.

MR. IRBY said it appears when looking at the street elevations on the presentation, it looks like the view corridors are anticipated to where there are two lots and then a view corridor and then two lots and another view corridor. The gentleman on Lot 128 appears that he will have a view corridor behind him plus the lot that is directly behind him, if clarified, will have a 20 foot setback compared to the lot to the south of him. He recommended a continuance so these items could be resolved with the applicant and the homeowners and a better presentation made.

MR. FLANDERS commented with what has come forward tonight he is confused on what was discussed with the homeowners and the HOA Board. It is important that the Board sit down with the homeowners again and with the developer to get everything straightened to what they agreed to be correct. The traffic study needs more information. He supported a continuance until those items are taken care of.

MOVED BY MR. HEUMANN, seconded by MS. POLVANI, to continue DVR02-0036 to April 2nd Planning and Zoning Commission meeting with a recommendation that the neighbors get with the developer and the HOA Board to get this worked out.

MR. IRBY requested a mailing by the applicant to the homeowners within 300 feet.

When the vote was taken, MOTION CARRIED UNANIMOUSLY (5 to 0).

7. DIRECTOR'S REPORT – no report.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for March 29, 2003, at 5:30 P.M. in the Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 6:43 P.M.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, March 19, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:35 P.M.
2. Pledge of Allegiance lead by Ms. Kemp.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Ms. Jeanette Polvani	Mr. Rick Heumann
Ms. Tajuana Kemp	Mr. Mark Irby

Absent & Excused:

Also Present:

Mr. Geir Sverdrup, Planner
Mr. Thomas Ritz, Planner
Ms. Ashley Bailey, Planner
Mr. Bob Weworski, Planner
Mr. Kevin Mayo, Planner
Mr. Jim Cairns, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY MR. FLANDERS, seconded by MR. HEUMANN, to approve the minutes of the March 5, 2003 meeting. MOTION CARRIED UNANIMOUSLY (6 to 0).

5. CONSENT AGENDA

CHAIRMAN RYAN recommended items A, C, & D be approved on the Consent Agenda.

a. DVR02-0046 THE VILLAGE AT ALMA SCHOOL

APPROVED, request for action on the existing PAD (Planned Area Development) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development, or to cause the property to revert to the former PAD (Planned Area Development) zoning classification. The existing PAD zoning is for a senior living community providing independent apartments and common facilities including a dining room, kitchen, and activity areas on approximately 9.5 acres. The property is located at the northeast corner of Alma School Road and Ocotillo Road.

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years, with all of the conditions in the original approval remaining in effect.

c. UP03-0002 INYATI BEDLINERS

APPROVED, request for Use Permit approval to continue the operation of an automotive service business within a multi-tenant building in an I-1/PAD Zoning District for property located at 3185 N. Colorado Street.

Staff, upon finding consistency with the General Plan and compliance with the Council adopted conditions of approval, recommends approval of the Use Permit to continue the operation of an Automotive Service Business within an I-1/PAD zoning district subject to the following conditions:

1. Substantial conformance with the attached exhibits and representations.
2. Expansion beyond the indoor and outdoor presented shall be considered a substantial change and require reapplication and approval of a new Use Permit.
3. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
4. The Use Permit is approved for the applicant only. In any event the business is sold, the business shall require reapplication and new Use Permit approval.

d. PDP03-0003 HOLIDAY INN AT OCOTILLO

APPROVED, request for Preliminary Development Plan (PDP) approval for site layout and building architecture for a Hotel located at 1200 West Ocotillo Road, at the NEC of Ocotillo Road and Jacaranda Parkway.

Staff, finding consistency with the General Plan and PAD zoning, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Holiday Inn at Ocotillo" kept on file in the City of Chandler Current Planning Division, in File No. PDP03-0003, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Completion of the construction, where applicable, of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. The 20-foot Date Palm trees located around the pool shall be replaced with 36-inch box minimum Queen Palm trees.
8. Thirty-six inch parking lot screen walls shall be raised to 42-inch and the 42-inch parking lot screen walls shall be raised to 48-inch.

MOVED BY MR. HEUMANN, seconded by MR. FLANDERS, to approve the Consent Agenda as presented by Staff. MOTION CARRIED UNANIMOUSLY (7 to 0).

6. ACTION ITEMS

b. DVR02-0003 WINDMILL SQUARE AND VILLAS

MR. SVERDRUP presented the item stating this is a request to amend an existing PAD at the northeast corner of Ray Road and McClintock Drive. The request is to amend the PAD from a commercial center to allow commercial as well as single family residential. The proposal would include five retail pads and 43 single-family Z-lot configured homes. It is Staff's opinion that this request does not meet the intent of the General Plan. This area is designated as commercial node. A commercial node is typically an anchored shopping center and is surrounded by transitional uses. This project was developed under the Ray Road Land Use policy. To the north there are apartments, to the northeast there are patio homes, and to the east there is a professional office building. The General Plan recognizes the difference between immediate and long-term goals. Staff feels that the immediate implementation of this could be this project but through the market analysis it is felt that it would be better to wait for another anchored center to fully utilize this corner. The Ray Road Land Use policy also recognizes the importance of commercial nodes. While it states that not all intersections will have four corners of commercial, Staff feels that because this is one of the last parcels in West Chandler, it is one of two that could handle a shopping center with an anchor that it would be appropriate to save this site for future development and not under utilize this site. The commercial development uses a Tuscan style architecture using lots of stack stone, nice tile features, and lots of pedestrian features. There is an umbrella architectural column that runs throughout the site that is pedestrian oriented. The residential is a 43-lot z-lot configuration. A Tuscan theme where the garages are either side entry or if front entry they are loaded to the back of the site. The applicant has requested several code deviation. The first is to encroach into the 250 x 50 foot landscape requirement at the intersection at Ray and McClintock. Staff does not support this. The intersection needs to be maintained at its full landscape setback. Applicant is also requesting that a 4-foot existing sidewalk be allowed to remain along McClintock Drive and not be required to install the meandering six-foot sidewalk that is not required. Staff feels that the six-foot sidewalk meandering promotes the pedestrian flavor that the project is trying to create. Deviation requests 3 and 4 are building height to setback requirements from the residential and dissimilar land use buffer between the commercial and residential. Staff feels that if this building and the parking field were pushed forward 5-feet towards McClintock there is a 35 foot proposed landscape strip where 20 is required. A 30-foot deep landscape strip will still be maintained and be able to meet the building height to setback requirement and still make a 10-foot dissimilar land use buffer. The last deviation has been taken care of by a stipulation that the applicant has agreed to which is no more than 65 percent of any one building material. The applicant has agreed to place a 4'6" wainscoting of stack stone along the CVS Pharmacy. There were only two elevations that did not meet this requirement. Staff has received three letters, two are in support and one is not. The letters of support are happy not to have a major commercial center in their backyards. The letter in opposition feels that this not in conformance with the General Plan. There has been too many deviations from the General Plan already and should stay with what has been told what was going to happen. The project is well designed. This is a land use issue. Staff is of the opinion that this site should not be under utilized and should keep it for a major anchor retail center. Two stipulations were added based on Traffic Engineering's analysis of the revised traffic study and one stipulation from the study session.

Staff, upon finding the proposed commercial center to be inconsistent with the General Plan, recommends denial. Should Planning and Zoning Commission be of the opinion that Windmill Square is an appropriate land use for this location, Staff recommends the following stipulations be attached to any recommendation for approval.

1. Right-of-way dedications to achieve full half width for Ray Road and McClintock Drive, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Compliance with Ray Road Streetscape Policy to include landscaping, streetscape, provision of staggered and decorative walls and planters.
3. Undergrounding of all overhead electric (less than 69KV), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69KV or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
5. Completion of the construction of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals with the first phase of the project.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
8. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Windmill Square" kept on file in the City of Chandler Current Planning Division, in File No. DVR02-0032, except as modified by condition herein.
9. The covenants, conditions, and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
10. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
11. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Public Works Director for arterial street median landscaping.
12. The homes shall have all copper plumbing for those lines under water pressure.
13. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
14. The tot lot shall be a minimum of 12 total play stations.
15. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance, the applicant shall post a 4' x 8' sign for property zoned for commercial and/or multi-family use, conspicuous to the (existing or prospective) single-family subdivision that adjoins this site, advising the following: "This property has been zoned for other than single-family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, (480) 782-3000". Sign shall have white background and black lettering.
16. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4 foot by 8 foot sign identifying what is being built and the estimated date of

completion of the specified project. This information may be incorporated with the contractor's sign or the "Coming Soon" sign on the subject site.

17. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.
18. All transformer boxes, meter panels and electric equipment, back-flow valves and any other utility equipment shall be painted to match the building color.
19. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
20. A 4'6" wainscoting of stacked stone shall be added to the sides of the CVS building to ensure compliance with the 65% building material requirement.
21. Limit residential lots #10, 11 and 12 to single-story to match the existing single-story homes.
22. An additional accent color is to be provided at towers and other architectural elements in the commercial building. Attached exhibit "B" graphically illustrates these locations.
23. Enhance pedestrian connection between the residential development and retail parcels 3 and 4. Provide theme trees to identify connection including planters in the plaza area with additional theme trees.
24. Applicant shall work with Staff to provide a proper balance of the Date and Fan Palms at the northeast corner or Ray and McClintock.
25. The north driveway of the residential component shall be limited to an exit only.

MR. SVERDRUP in response to Mr. Heumann's question regarding Stipulation 1 states it does cover Stipulation 25. Stipulation 25 would not be needed.

MR. FLANDERS asks what other type of commercial use does Staff envision going in. All the grocery stores seen have already been built in the area and the other commercial uses are going towards the mall. He asks if there was anything else that they are not aware of that would take up an 18-acre site. MR. SVERDRUP states there is nothing specific in mind. There have been other centers anchored with stores such as Steinmart or a smaller grocery such as a Trader Joe's or Wild Oats. The future is not set so there might be another grocery coming in or another type of anchor coming in, but Staff is of the opinion this site needs to be fully utilized as a commercial node.

MR. HEUMANN asks what is the actual dimension or distance between the commercial building and the residential building. MR. SVERDRUP said right now the retail buildings are set at 41 and 42 feet back from the residential zoning. The code would require 45 feet. The distance from building to building adding about 45 feet between the landscaping on the other side of the residential, the roadway and a front yard setback may be 90 to 100 feet.

MS. KEMP asks in relation to the residential housing that is proposed does it meet the current residential housing guidelines and diversity standards. MR. SVERDRUP said the product does meet the standards.

MR. HEUMANN in regards to the land use questioned if there is a plan that is currently conceptually approved to have a gas station on that corner. Legally a gas station could be built so there would be three gas stations on that corner. He asks if Staff feels that would be a better land use than what could potentially go right now with this project. MR. SVERDRUP answers it is one of many options. It could end up with another pharmacy at the corner. The conceptual planning is that, conceptual.

MR. FLANDERS states it was mentioned that the project that was approved at Warner and McQueen had a similar situation with the retail, the pharmacy, and then the residential. The transitions development has

already been done like the apartments and so on. He asks at that particular site if there were apartments adjacent to that. MR. WEWORSKI replied the site that was approved similar to this mix use has apartments all around the perimeter to the north and west. MR. FLANDERS asks what the difference is between that development and this development that Staff is not in favor of it. MR. SVERDRUP said Staff looked at this as an area specific because it is an area that has developed a great re available opportunities.

MR. HEUMANN asks where the second one is. MR. WEWORSKI said on Ray Road the only available parcels for commercial; this is the only retail commercial parcel going west of Price Road. There is a zoned commercial property on the southwest corner of Price and Ray currently zoned for a woman's health center. That is the only other vacant commercial parcel that is currently zoned that is under as a commercial node use and under the General Plan west of Price Road. The only commercial node in the General Plan west of Price Road is on Ray Road. MR. HEUMANN asks what is approved on Chandler Blvd. and McClintock on the northeast corner. MR. WEWORSKI said under the General Plan it is designated as low density residential, however, it was considered and approved to allow for a commercial corner on that site.

MS. KEMP asks how many pharmacies are within a couple mile radius of this proposal. MR. SVERDRUP replied there are five freestanding pharmacies within a two-mile radius of this site. There are other grocery stores which have in-store pharmacies.

MR. JASON MORRIS, Withey, Anderson and Morris, states this particular site is approved conceptually for a neighborhood center. There has been an interest over the years to see if there could be a neighborhood anchored center at this location. About the same time the Albertson's center was doing their due diligence, he states he was working on behalf of Del Rito Partners. He worked on their behalf for approximately six months reviewing this site and meeting with the neighborhood. Two things were found; first and foremost, there was neighborhood opposition to that use at this location. The apartment communities and their ownership and the individual single-family owners were both heard from and they did not believe it was appropriate to subject them to the back end of a center even though they were well aware of the fact that this had been held out for commercial. They indicated that because they had approval rights through track decorations and architectural standards, sign standards, and other things, the viability of a commercial center, specifically one of the size that Staff is now supporting, was extremely limited. There was some reticent to being subjected to a grocery anchored center, but even after getting beyond that point and actually trying to plan a commercial center, one of the preferences that the homeowner's association had and the neighbors that attended was that they would not be put into a position of building a center that could go dark, losing its anchor. Del Rito Partners went forward and committed that they would not pursue this unless there was an anchor at hand, but that never came to pass. Because of that there was an opportunity for Armstrong Gustine (Mr. Morris represents them today) to take a look at this land plan, use the knowledge and the neighborhood meeting minutes, and see what occurred and come up with a win-win situation. Given the fact that this was conceptually approved for commercial and Staff's indication that they still believed that commercial was appropriate at this intersection, he states they went out of their way to document not only other failures in creating a commercial center at this location but also to specifically study the market conditions as it existed during the time of the most recent application that indicates how many square feet are available in the retail market and understanding there are peaks and valleys to the cycle, but overall why this is not a particularly attractive site for retail development. There was a small window of opportunity two years ago and that door has basically been slammed shut by the fact that at that time the Albertson's center did not exist. There is a viable commercial parcel on the overall land use. He states their belief is that it is not to the extent that Staff believes to exist. Familiar enough with the General Plan, there are many intersections that are designated as commercial nodes that have not developed as four corners of

commercial. Unfortunately that has not come to pass at this site. Economic data has not been seen or other uses that could prove viable at this location. He states they have come up with a unique solution to what is a unique parcel. He turned to presentation over to Mike Perry for specifics about the site plan and to address some of the comments made about the variance request.

MR. MIKE PERRY, 34384 N. Gold Mine Gulch Trail, Queen Creek, in reference to the Ray Road Land Use Policy, states the intent of the Ray Road Policy was to provide a commercial corridor along Ray Road. One of four policies dealt with specific corridor plans, one being Chandler Blvd. which is an industrial corridor plan, the Price Road corridor which is an employment corridor, the Frye Road corridor which, if still in effect, was a single-family corridor, and the Ray Road corridor which was a commercial corridor. The definition of the Ray Road Land Use Policy is to beautify and develop Ray Road as an attractive upscale commercial gateway to Chandler with the distinct identify through the use of an innovative urban design concept or theme. He states the plan presented meets that definition and does not understand why that does not conform. The Staff Memo outlines several of the policies in the Ray Road document and it is important to note that even in the Staff Memo and the intent of the policy was that every corner did not necessarily have to develop commercially. One of the policy statements in the Memo states that not every corner need develop as a commercial shopping center at accordance with the realization that area markets may not dictate location at every corner. A market study was provided as requested by Staff. The market study states this is not the corner for a major commercial center. In the same memo, another policy states square footages shall be based on market design, feasibility as determined by submitted studies and compatibility with surrounded uses. Submitted studies show there is not a demand here. The compatible surrounding uses; he states they worked with the neighborhood extensively over a year and half to develop a plan that works for them. There is some additional policy in the Ray Road Plan that was not part of the Staff Memo and that is under the Land and Transportation Land Use section of the policy. It states that residential development may be acceptable in areas where no demands for other more appropriate uses are anticipated. It is their opinion that they meet the Ray Road policy. The Market Study supports that. The plan is consistent with that. In reference to the five areas of deviation from the Zoning Ordinance, the first one is related to the 50 x 250 foot setback. Referring to the exhibit displayed, he states the brown area is the required landscape setback along both Ray Road and McClintock. The darker green area is the area they are in excess of the landscape requirement along Ray Road and McClintock. The small areas on either side of the corner are the areas of encroachment into the 50-foot setback. The dark gray area on the corner is the area that is in excess of the required setback. Taking a square foot number within the 250 x 50 foot area, he states they have 2000 square feet more than what is required. Taking the whole area, he states they have provided more than 25,000 square feet of additional landscape area. That is adequate justification for encroaching just a little into the 50-foot setback. One comment in the Staff Memo was that this puts the building closer to the street. The point of the 45-degree angle as it goes along Ray Road is a little closer but from the corner with their orientation it is about 65 feet further away. He feels that justifies the small encroachment that they have. Second, the 6-foot meandering sidewalk; Ray Road and McClintock Drive are already improved to their full right-of-way improvements. If Staff had believed that a 6-foot meandering sidewalk was appropriate, it should have been put in at the time the improvements were made to Ray and McClintock. To ask applicant to go back and rip out perfectly good sidewalk, relocate utilities, relocate landscaping, and relocate drainage scuppers to provide a meandering 6-foot sidewalk is a hardship. What has been done to that end and also would relate to the stipulations talked about earlier on the decel lane was applicant has agreed to dedicate full right-of-ways for any future improvements that may occur and if those occur at that time those changes could be made. Third and fourth, one has to do with the height separation. It is Staff's opinion that this needs to be 44 – 45 feet away from the property line. The Commercial Design Guidelines states that the building heights setback only applies when a commercial development is next to a side or rear yard of a residential property. Pointing to the area in question, he noted they have a driveway, an 8-foot landscape strip, a 7-foot high wall, a 10-foot landscape strip, a 32-

foot right-of-way for a road, and then the front yards of the homes. This is not an issue from an ordinance standpoint, however, if it is felt that the separation because of the layout more than justifies that. The same thing applies with the 8-foot dissimilar land use separation. The Code does require a 10-foot separation. There are actually 8 feet on one side and 10 on the other plus the two driveways. Staff is correct that the project can be moved five feet forward into the McClintock area landscape, but feels it is not worth it. It is better spent out on McClintock. There have been discussions in the past about what happens when CVS goes dark. This layout with the dual driveways in the back gives some opportunities for adaptive reuse. The double drive area mentioned is in the back of the center, if the CVS decided to vacate the property, that driveway could be eliminated, extra parking could be added. The 45-degree orientation allows open space on either end of the project. The umbrella features would be perfect for outside dining. There is a possibility of a restaurant on the southeast side and three retail shops on the northwest side. He mentioned a list from the marketing broker for CVS to give some uses that he felt could go in there.

MR. HEUMANN asks about the phasing of this project. MR. PERRY said CVS on the corner and McGee homes going at the same time with the retail shops following second. MR. HEUMANN asks what guarantee is there that there is not a drug store sitting on the corner by itself. MR. MORRIS replies CVS is purchasing the parcel. They will not be a tenant, they will be landowners. Their ownership interest is going to be long-term. The developer is a master developer for the entire retail site so there will not be a series of fractured interests. Right now one of those buildings is under a letter of intent. The other building is being looked at for two different uses which is why retail and office is shown. There have been conversations with both users. The hope will be that this development will occur in two phases following closely together which are the retail and the residential. It is more likely the first phase of development will be the CVS parcel and one retail building based upon where they are with the contracts right now. MR. HEUMANN asks if the streetscape and landscape all be put in under the first phase. MR. MORRIS said along the commercial that would be the case.

MR. HEUMANN asks Staff what is the Commercial Guidelines standards that were changed in terms of being able to put a building like that on a corner, what else has to be built. MR. WEWORSKI replies the Commercial Design Standards currently state that if a commercial site is larger than 10 acres then only 12,000 square feet of building space needs to go in as part of Phase 1. If it is less than 10 acres, it is 25,000 square feet of building space.

MR. FLANDERS, in regards to the building setbacks between the commercial and residential, asks what is the distance between buildings. MR. PERRY states it would be 102 feet to the closest two buildings.

MR. IRBY said he did not hear whether Mr. Perry had any comments about the traffic study that the City is indicating that a decel lane is required. MR. PERRY said Stipulation 1 states they have to conform to whatever the City requires them to do and they have agreed to that. MR. IRBY comments this is a nice looking project especially when looking at what it could have been. The variances being sought and the justification given as to why they have gone through the exercise are appropriate. He states he has no issue at this point.

MR. HEUMANN comments that Mr. Perry brought up being able to break up the drug store. He appreciates the effort to show how it could be broken up should CVS goes away. MR. RYAN agreed.

MR. CRAIG ANNES, 1349 North Laveen Drive, Chandler, states he is a member of the HOA Board for the Windmills West Community. Today is the first chance he had to review Staff's overview of the location. He states they have had a good relationship with the developer and the personnel involved with this project. He is pleased with their interest in working with the community and making that site an

attractive doable site. It does present a very environmentally friendly look for a retail location. The concern of the HOA is that they are not looking for another grocery store. His faith is that CVA has done their homework and they know what the market would bare and if their interest is to put that store there and it works within the framework of what the objective of that corner is for development then his feelings are to go for it. The community at large was very favorable at the open house to the plan as it laid out. There were some concerns from the Board in terms of adding these homes and the price point of these homes, but the overview was that it does afford some affordable housing. It does afford a closed gated-type community. It does afford a wonderful opportunity to fill that vacant corner and take an eyesore away from that intersection.

MR. HEUMANN said the Commercial Guidelines Standards, if it is 10 acres or smaller it has to be 25,000 square feet built at the first phase. He asks since residential is going in the back part of this, is the commercial site still more than 10 acres or does that fall under less than 10 acres. MR. WEWORSKI answered they are recommending to amend a portion of the commercial that is already zoned to allow for residential. The remaining commercial parcel would be less than 10 acres. That would trigger the requirement to have 25,000 square feet of commercial building space as part of Phase 1. MR. HEUMANN voiced his concern on a legal basis if there is ever a challenge that something less than 10 acres with less than 25,000 square feet was approved. MR. WEWORSKI said the current zoning code would require that if the parcel is less than 10 acres for commercial, under the PAD zoning, Commission can consider something else than that.

MR. MORRIS states it is the intent to build this as close to a single phase as possible. Given the size of the property, given the overall plan on the property, and given the fact of that rule, that rule has not been uniformly enforced across the City. There may be the chance that the pharmacy, because they are under a stricter deadline of a national guideline they have for their 41,000 stores, would open before the retail store opened. He corrected that all but one of the buildings are currently under a letter of intent for development for users.

CHAIRMAN RYAN asks applicant if they are in agreement with the stipulations written by Staff. MR. MORRIS said the intent of the stipulations was clarified including the final stipulation added in the Study Session.

MR. SVERDRUP comments Staff feels that adding the language at the end of Stipulation 5 to read "... and design manuals with the first phase of the project." that it would ensure completion of the streetscape standards.

MR. FLANDERS asks for all the stipulations to be read.

MR. MORRIS clarified that on Stipulation 25 it is for residential purposes only, not commercial.

MR. CAIRNS suggested a stipulation be added to what the minimum phasing is if going to wrap this into the PAD zoning, otherwise, it may fall back onto the standard. If there is going to be something less than what is minimally set forth, then that is going to be considered as part of the overall project. A stipulation should be included to that affect.

CHAIRMAN RYAN clarified with Staff that this commercial site is under 10 acres.

MR. MORRIS said given the size of these buildings, 7,000 and 8,000 square foot buildings, the pharmacy which is 13,000, that would require building almost all of it at once and that was not their intent. It would be the applicant's intent and request that the stipulation would include Parcel 1 and the residential as the first phase.

MR. HEUMANN asks in terms of Parcel 1 and the residential, if the applicant is willing to do any kind of stipulation on the remaining parcels. MR. MORRIS said if talking about a timing stipulation following thereafter, they know what their schedule is going to be, but it is tough to stick with the neatly planned Microsoft outlook schedule on these projects.

CHAIRMAN RYAN said this project would be fully vested upon construction of one building. They can give us a schedule but would not necessarily need to be conformed with.

MR. WEWORSKI states it is the belief that if you do not specify what might be on Phase 1, it would fall back to the PAD zoning which states specifically PAD commercial centers under 10 acres would require 25,000 square feet.

MR. MORRIS said in terms of that interpretation Commission has the opportunity to depart from the ordinance with that and other provisions and if that is their druthers then that is what they would suggest and that is what they are requesting because it was their understanding that this phasing would be allowed.

MR. CAIRNS said if that is the plan they should set forth that exception in the passing of the overall zoning.

CHAIRMAN RYAN said there has been other projects in the last twelve months that were rezoned that allowed either a pharmacy or gas station on the corner just to construct within the first phase without any additional buildings on sizes as large as this and larger.

MR. HEUMANN said the Walgreen's that was just approved a couple of weeks ago through Commission was approved with the drugstore plus the first building being built at the same time. His concern is that they do not have a drugstore sitting on the corner by itself and that the rest of the project other than the residential gets built. He feels the land use is right and the design of the project is right. He does not want to see a drugstore sitting on the corner by itself and other things do not get built.

CHAIRMAN RYAN agreed with Council that whoever makes the motion needs to read in an additional stipulation as to what they feel is acceptable in the first phase of construction.

MR. PERRY said recalling the intent of that ordinance when it came about originally, it was to address centers going on the corner and leaving a balance that is undeveloped. As stated earlier, the McGee homes will be right on the tail of the CVS Pharmacy. Applicant has agreed to do the off-sites for the entire perimeter. CVS is part of Phase 1. The intent of not creating a corner pad going first and leaving an undeveloped site does not apply here. It is their request that it be approved that the CVS and the off-sites be Phase 1. The McGee homes will follow shortly behind that. It could be part of Phase 1 depending on the legal ramifications of what that timing actually is and as mentioned there are letters of intent on all the uses except for restaurant pad.

MOVED BY MR. FLANDERS, seconded by MR. IRBY, to approve DVR02-0032 WINDMILL SQUARE & VILLAS with the stipulations read by Staff and an additional stipulation to read, "First phase will include the CVS drugstore of 13,000 square feet along with the residential area".

MR. HEUMANN said Council will have to deal with the issue of the under 10 acres situation. If that could go into the PAD process, he would not have a problem with that. He states he would like for Staff to work with Legal to clarify that before it gets to Council.

MS. KEMP agreed with Mr. Heumann on the concern about seeing the drugstore and the residential housing out there for a long period of time.

MR. FLANDERS for clarification, the PAD process does allow us to modify the ordinances as far as this requirement.

CHAIRMAN RYAN said the way the stipulations stand right now the first phase is the residential and the drugstore component. That is a stipulation that has been attached to it and it will go to Council this way. If Council wishes to override that, that is their opportunity.

MR. CAIRNS agreed with Chairman Ryan. There may be tweaking of that language or further discussions. It is important that it go forward with some sort of exception from that requirement.

When the vote was taken, MOTION CARRIED UNANIMOUSLY (6 to 0).

e. UP03-0004 EVDI MEDICAL IMAGING

MS. ASHLEY BAILEY presented the item stating this is a request for a Use Permit approval for a mobile Positron Emission Tomography Scanner unit to be located in front of the EVDI Medical Imaging facility at the northwest corner of Alma School Road and Chandler Blvd. The unit would be on-site once a week on Wednesday from 6 a.m. to 5 p.m. Applicant has also agreed to work with Staff to provide additional landscaping that will effectively screen the unit from both frontages.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit shall be extended for a period of one (1) year, at which time re-application shall be required. The one-year time limit shall begin from the date of City Council approval.
2. Substantial expansion, modification beyond the approved exhibits, or increase in number of days temporary unit is on site shall void the Use Permit and require a new Use Permit application and approval.

MR. JIM WINTERS, EVDI Medical Imaging, Operations Manager, 3644 N. 52nd Street, Phoenix and MS. HELEN DEITZ, Site Manager at the Chandler facility, 2140 N. Yucca Court, Chandler. MR. WINTERS states the PET Scanner is used a lot for staging cancer treatment in patients for radiation oncology. Presently in Chandler there is no PET Scanner at this time to provide that for the community. He states their goal after a year would be to evaluate the necessity and use of that PET Scanner because the goal is to put it inside the building. The cost of the unit is 1.5 million dollars so they want to make sure that investment is well made first. They lease about 2/3 thirds of the Luby's center so there is approximately 14,000 square feet in that center that they are using. MS. DIETZ states this is a highly specialized modality and it is not like an MR or a CT that is seen in almost every imaging center. This is something that would be provided to a small percentage of the medical community but is a very important percentage because it is dealing with cancer and lives. She states they have a ten-year lease on the business and have invested 6 million dollars in improvements to their center because of the protection, the screening for the MR. She states they would not want to leave there very because they have invested so much in improving it for the specialty modalities provided.

MS. KEMP said she is in favor but wants to make sure they agree that there would be additional landscaping on Chandler as well as on Alma School. MS. DIETZ states they are willing to work with Staff on that.

MR. FLANDERS asks what other cities they are serving in the area since this is a mobile unit. MR. WINTERS said right now they are out of East Mesa at their facility at Power and Broadway close to Valley Lutheran Hospital. They also have a lease with Desert Samaritan Hospital to put the mobile unit there. MR. FLANDERS asks if it is their intention to eventually make this part of the facility on a permanent basis or will this be a mobile unit that moves around. MS. DIETZ said the reason for the one-year lease was to evaluate the business. It will be at the Chandler site approximately 50 times over the next year to see if they can develop the referral pattern to determine if they want to go inside. If after one year there is not the referral pattern they anticipate, then the unit will go away.

CHAIRMAN RYAN asks why this location and not closer to the hospital. MR. WINTERS said there is a large oncology group in Chandler and they are the usual people that utilize the PET scanning. They are at Desert Samaritan Hospital because their radiologists have a relationship with Desert Samaritan Hospital.

MOVED BY MR. HEUMANN, seconded by MR. RYAN, to approve UP03-0004 EVDI MEDICAL IMAGING adding Stipulation 3: Applicant will work with Staff to develop additional landscaping on Alma School Road, Chandler Blvd., and to increase the planter size to screen the trailer. MOTION CARRIED UNANIMOUSLY (6 to 0).

7. DIRECTOR'S REPORT – no report.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for April 2, 2003 at 5:30 P.M. in the Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 6:55 P.M.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, April 2, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:35 P.M.
2. Pledge of Allegiance lead by Ms. Polvani.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Ms. Jeanette Polvani	Mr. Rick Heumann
Ms. Tajuana Kemp	Mr. Mark Irby

Absent & Excused:

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Thomas Ritz, Planner
Ms. Ashley Bailey, Planner
Mr. Bob Weworski, Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY MR. FLANDERS, seconded by MS. KEMP, to approve the minutes of the March 19, 2003 meeting with correction to page 2. MOTION CARRIED UNANIMOUSLY (6 to 0).

5. APPROVAL OF MINUTES

MOVED BY MR. HEUMANN, seconded by MS. KEMP, to approve the minutes of the Special Planning and Zoning Meeting of February 26, 2003. MOTION CARRIED UNANIMOUSLY (6 to 0).

6. CONSENT AGENDA

CHAIRMAN RYAN recommended Items A, B, C, & D be approved on the Consent Agenda.

a. DVR02-0036/PPT02-0012 ADOBE TOWERS

APPROVED, request for rezoning from AG-1 to Planned Area Development (PAD) for a 14-lot single-family residential subdivision with Preliminary Development Plan for subdivision layout and housing product, along with Preliminary Plat approval for an approximate 1.6-acre parcel located at 1250 W. Ray Road.

Upon finding consistency with the General Plan, Staff recommends approval to rezone the property from AG-1 to PAD for a single-family residential subdivision with Preliminary Development Plan approval for subdivision layout and housing product, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Adobe Towers" kept on file in the City of Chandler Current Planning Division, in File No. DVR02-0036, except as modified by condition herein.
2. Completion of the construction of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
3. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
4. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
6. The homes shall have all copper plumbing for those lines under water pressure.
7. The covenants, conditions, and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy.
8. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
9. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. The building minimum setbacks for Lots 2, 3, 10 and 11 shall be 16-feet for the front yard, 5-feet and 5-feet for the side yards, and 10-feet of the rear yards.
11. The building minimum setbacks for Lots 1, 4, 5, 6, 7, 8, 9, 12, 13, and 14 shall be 16-feet for the front yard, 5-feet and 5-feet for the side yards, and 15-feet of the rear yards.
12. The maximum height of the homes shall not exceed twenty-two (22) feet.
13. All rear facing 2nd-story windows shall be glass-block.
14. Perimeter wall to be raised to a height of seven (7) feet.
15. A minimum 36" box tree shall be planted in the rear yard of each lot, to be maintained by the Homeowners Association.
16. No-Left-Turn sign shall be placed on each side of the exit on to Central Drive, just outside the ingress/egress gates.
17. Lots 2, 3, 10 and 11 shall be restricted to Floor Plan 100.
18. Lots 1, 4, 5, 6, 6, 7, 8, 12, 13, and 14 shall be restricted to Floor Plan 200.
19. The CC&R's shall disclose the no left turn onto Central Drive restriction.
20. The 200 Series floor plan shall be constructed so view corridors are provided between Lots 2 and 3, Lots 6 and 7, Lots 8 and 9, and Lots 10 and 11.

Staff recommends approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

b. DVR01-0029/PPT01-0020 FESTIVA COURT

APPROVED, request for rezoning from AG-1 to Planned Area Development (PAD) for a single-family residential subdivision with Preliminary Development Plan and Preliminary Plat approval for subdivision layout and housing product on approximately 38.3 acres for property located at the southwest corner of Knox Road and Hamilton Street.

Upon finding consistency with the General Plan Land Use Element, Staff recommends approval of DVR01-0029 FESTIVA COURT, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Festiva Court", kept on file in the City of Chandler Current Planning Division, in File No. DVR01-0029, except as modified by condition herein.
2. Completion of the construction, where applicable, of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
3. Right-of-way dedications to achieve full half widths for Hamilton Street and Knox Road, including turn lanes and deceleration lanes, per the standards Right-of-way dedications of the Chandler Transportation Plan.
4. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
5. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls shall be maintained by the adjacent property owner or a homeowners' association.
6. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
7. The homes shall have all copper plumbing for those lines under water pressure.
8. The covenants, conditions, and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy.
9. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
10. The building minimum setbacks shall be a minimum 18-foot front yard setback to the face of the garage, 10-foot front yard setback for side-entry garages/livable space, 15-foot rear yard setback, and 5-foot and 10-foot side yards setbacks.
11. All homes shall feature standard covered patios.
12. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
13. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
14. No more than two identical side-by-side roof slopes should be constructed along collector streets.
15. The same elevation shall not be built side-by-side or directly across the street from one another.
16. Corner lots shall have a minimum street-side 10-foot side yard setback
17. Page 11 of the Development Booklet, under the Development Standards, Maximum Building Height shall be '30-feet/one-stories'.

Staff recommends approval of the Preliminary Plat subject to:

Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

c. PDP02-0030 WASHINGTON MUTUAL BANK

CONTINUED, to April 16, 2003, Planning and Zoning Commission Meeting, request for Preliminary Development Plan approval for a bank located at the southwest corner of Alma School and Chandler Boulevard, Lot 2 of the Park Development.

d. UP03-0003 BROOKE CORPORATION

CONTINUED, to April 16, 2003, Planning and Zoning Commission Meeting, request for Use Permit approval for the operation of an insurance sales office and real estate sales office within a single-family residence located at 598 W. Chandler Boulevard.

e. UP03-0013 CHILI'S GRILL & BAR

APPROVED, request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 3015 West Chandler Blvd.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and a new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.

MOVED BY MR. HEUMANN, seconded by MR. FLANDERS, to approve the Consent Agenda with additional stipulations
as presented by Staff MOTION CARRIED UNANIMOUSLY (6 to 0).

7. DIRECTOR'S REPORT – no report.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for April 16, 2003 at 5:30 P.M. in the Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 5:40 P.M.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, April 16, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:38 P.M.
2. Pledge of Allegiance lead by Ms. Kemp.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Ms. Jeanette Polvani	Mr. Rick Heumann
Ms. Tajuana Kemp	Mr. Mark Irby

Absent & Excused:

Also Present:

Mr. Doug Ballard, Planning & Development Director
Mr. Glen Van Nimwegen, Assistant Planning & Development Director
Mr. Jeff Kurtz, Current Planning Manager
Mr. Geir Sverdrup, Planner II
Mr. Thomas Ritz, Planner
Mr. Bob Weworski, Principal Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY MS. KEMP, seconded by MR. FLANDERS, to approve the minutes of the April 2, 2003 meeting. MOTION CARRIED UNANIMOUSLY (6 to 0).

5. CONSENT AGENDA

CHAIRMAN RYAN recommended items C, D, & E be approved on the Consent Agenda.

c. DVR02-0048 QWEST SWITCHING FACILITY

APPROVED, request for rezoning from C-2 (Community Commercial) to PAD (Planned Area Development) for a communications switching facility and commercial development along with Preliminary Development Plan approval for a facility expansion. The Qwest facility and expansion will be located on the south half of the site, with surface parking and future commercial development on the north half of the site. The property is located on approximately 1.2 acres at the southeast corner of Chandler Boulevard and Oregon Street.

Staff, finding consistency with the General Plan and the Chandler Area and Redevelopment Plan, recommends approval subject to the following conditions:

1. Right-of-way dedications to achieve full half width for Chandler Boulevard, including turn lanes and deceleration lanes, per the standards Right-of-way dedications of the Chandler Transportation Plan.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Completion of the construction of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
4. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
5. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Qwest Switching Facility" kept on file in the City of Chandler Current Planning Division, in File No. DVR02-0048, except as modified by condition herein.
6. Any new roof access ladders shall be located inside the building.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
8. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
9. All transformer boxes, meter panels and electric equipment, back-flow valves and any other utility equipment shall be painted to match the building color.
10. The 0.6 acre commercial site shall have users permitted in the City Center District, with additional uses to include ground floor offices, upper floor residential dwelling units, and commercial recreation. Any other uses not listed shall require a PAD amendment.
11. The colonnade design shall include extended rafter detailing similar to the existing colonnade adjacent to the San Marcos Resort.
12. All new roof drainage shall be interior roof drains with scuppers.
13. The roof top duct enclosure shall be completely screened from view with a screen wall equal in height of the mechanical equipment.
14. The applicant shall work with Staff to enhance the articulation of the proposed mechanical penthouse façade treatment.
15. Undergrounding of all overhead electric (less than 69KV), communication, and television lines and any open irrigation ditches or canals located adjacent to the Qwest building or within the adjacent right-of-ways and/or easements. Any 69KV or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

d. DVR03-0001 CANDLEWOOD CENTER

APPROVED, request for action on the existing PAD (Planned Area Development) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development or to cause the property to revert to the former PAD (Planned Area Development) zoning classification. The existing PAD zoning is for conceptual commercial development on approximately 14.5 acres. The property is located at the northeast corner of Chandler Boulevard and McClintock Drive.

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing conditions for three (3) years, with all of the conditions in the original approval remaining in effect.

e. DVR03-0005 MONZA SPEC OFFICE BUILDING

APPROVED, request for rezoning from PAD to I-1/PAD Overlay, along with Preliminary Development Plan approval for a 9,000 square-foot office building, on Lot 73 of the Southpark Business Center located at 325 N. Austin Drive. The overlay zoning will expand the list of permitted uses to include a number of commercial business, office, and public assembly uses as a “matter of right” while placing limitations on the outdoor storage of hazardous materials and operation of hazardous activities by permitted industrial users.

Upon finding consistency with the General Plan, Staff recommends approval to rezone the property from PAD to I-1/PAD Overlay for an office building with Preliminary Development Plan approval for site layout and building architecture, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “MONZA SPEC BUILDING” kept on file in the City of Chandler Current Planning Division, in File No. DVR03-0005, except as modified by condition herein.
2. Development shall be in substantial conformance with the attached Performance Characteristics & Permitted Uses checklists.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
7. Completion of the construction, where applicable, of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. The landscaping along Kyrene Road shall comply with the Commercial Design Standards.
9. The Preliminary Development Plan shall require reapplication and approval if the Building Code does not permit windows to be placed on the east elevation adjacent to the SRP tract.

MOVED BY MR. HEUMANN, seconded by MS. KEMP, to approve the Consent Agenda with additional stipulations as presented by Staff. MOTION CARRIED UNANIMOUSLY (6 to 0).

6. ACTION ITEMS

a. PDP02-0030 WASHINGTON MUTUAL BANK

MR. RITZ presented the item stating this has been before the Planning Commission and referred to Design Review Committee and is returning for Planning Commission action. Staff continues to find this inconsistent with the adopted zoning and Preliminary Development Plan of the Center because of the feature of a landscape setting. The issue is not the bank as an appropriate use. Staff agrees a bank is an appropriate use. Staff agrees that the applicant has made considerable strides in the design and architecture reflecting many of the features of the adjacent pads, but it is Staff's question if this is the best site plan that could be possible for this important highly visible corner. Staff feels it is not. Staff sees the placement of the building in a landscape setting as originally proposed in the prior zoning. Staff sees the opportunity for greater interaction between the building and the significant water feature at the corner much as the existing bank building does. At the Design Review Meeting and at the Study Session questions were raised. Has the applicant provided any alternatives to this present site plan configuration. The only alternative that Staff is aware of and has been submitted to Staff was in the early stages of the Preliminary Development. The drive-thru, while located in the same place, the drive aisles and traffic was going in the opposite direction. Staff states the bank use is not in question. The building architecture has responded to the concerns raised by Planning Commission at Design Review. The concern with Staff and Staff's recommendation for denial is the site design statement at this prominent gateway corner.

Staff, finding the site plan to be inconsistent with the previously approved PAD zoning, recommends denial of the Preliminary Development Plan.

MR. MIKE CURLEY, 3101 N. Central, addressed comments made at the Study Session. He said on the turf issue at the Design Review Committee there was discussion on maximizing the amount of turf. He said they have no problem in doing so, but their Landscape Architect mentioned that there are constraints to what he can do in terms in the amount of turf. To the design feature mentioned by Mr. Heumann, he said they have no problem with the design feature to be added on the corner. It was not done because that got lost in the discussion of the landscaping and the grass. He showed on the monitors what is directly across the street from them right now. They have no problems replicating that or if Commission desires something more upgraded, they do not have a problem with a stipulation that would require some sort of design feature that would be approved by the Planning Department. In reference to the Planning and Zoning Commission meeting a couple of months ago, as well as the Design Review, there were three issues; architectural, site plan, and general issues raised that this site plan is inconsistent with the Master Plan that was approved in 1996 with the Home Depot. Specifically that there was a drive in front of the landscape setback on Chandler Blvd. and the building. The architect at that time was out of Washington. There were a number of issues with the architecture. After long discussions, Rick Riegle was hired. He has done work in Chandler and is familiar with Chandler's expectations. It was the understanding from an architectural standpoint that the primary concern was to try to incorporate as many of the design features of the Bank of America building into this particular building. At the Design Review Committee meeting, he states they left with the understanding from comments that the Planning Commission was satisfied that Rick's modifications has done from an architectural standpoint. Regarding the Design Review Committee's comments to the Site Plan, there was the concern that Staff had having the drive in-between the landscape setting and the building which was not necessarily paramount. There were several other concerns. One was the landscape palette that was addressed. Mr. Ryan expressed a desire that there be some pines trees placed in there. If there are no pine trees in the new landscape plan, they do not have a problem with a stipulation that would add those pine trees to extend the pine trees that are already on the Bank of America building. As to the turf, he states they have increased the amount of berming and eliminated screen walls. At this point Mr. Curley turned the microphone over to Mr. Riegle.

CHAIRMAN RYAN said there were still some concerns about the site planning of the property. They would like to look at the other options that were looked at in integrating the building more to the landscaped area. He states they are not totally convinced that this is the best site plan.

MR. REIGLE addressed Commission's concerns. A year and a half ago he stated doing some preliminary master plans for Grossman Properties to generate interest from any number of tenants. There were about 40 different site plans all of which were conceptual in nature. The original master plan had what appeared to be a single user tenant up against the landscape setbacks on the intersection and also had two curb cuts. In preliminary discussions with Staff, it was determined that one of those curb cuts along Chandler Blvd. needed to be eliminated and it was clarified that a 50-foot setback was needed along the entire Chandler frontage. There was some discussion as to whether that 50-foot applied to this intersection. There was also discussion that if there was some sort of a drive-thru element that it needed to be screened and shielded from all of the streets as much as possible. With those configurations, they started analyzing site plans. In concept, moving the building tight to the intersection two items happen when this is done. One, because the parking is then to the south of the building and to the east, the main entry of the building wants to then be adjacent to that parking which puts the main entry facing south and the rear of the building is faced to the north to the main frontage. Second, two of the building sides are not adjacent to landscaping; one of the remaining sides is the entry which means the east side becomes the drive-thru. The concept of having the drive-thru immediately adjacent to the entry of a building presents problems. There will be a lot of congestion with people leaving the drive-thru driving next to the people walking up from their cars. There is also an interior layout difficulty. Typically a bank has the drive-thru on the opposite side of the entryway. When they are side-by-side on two sides there is a different interior layout than is typical and it presents some problems. The idea of not having a loop on the site presented a problem with refuse collection. If there is only one driveway in and the truck cannot turn around, the refuse truck then has to back out onto Park Lane. From a building design element, referring to the site plan, the corner element is the tower element which is all glass and relates the entryway and the architectural features to the intersection. Turning that around with the back of the building facing the street, there is not the instant recognizability of where the entry is when driving up. He stated it is difficult to place windows on the back of the center. There is a much less pedestrian friendly building appearance because the public areas are now opposite the street. Pulling the building over to this intersection it becomes more remote from the water features and pond area and the people will have to traverse the parking lot across the drive-thru to get to those elements. In site planning, having the loop around the building helps with separation of drive-thru and the pedestrian traffic and it allows the building to be closer to the pond elements. A generous 50-foot setback along the entire frontage that is landscaped was kept and a 30-foot setback along the Park Lane Blvd. frontage. One of the primary aspects that Staff wanted was the drive-thru facility screened from virtually all the streets. On such a small site that was difficult to do. He stated they do have over 50 percent of the site area in landscaping and water features which is fairly generous for anybody's standards. This is a configuration that is much more palatable to the tenant as well as works from a number of pedestrian and visual aspects as well.

CHAIRMAN RYAN said there were some concrete scuppers at the corner prior to the Design Review Meeting and asked if it is now piped under. MR. REIGLE responded on the site plan they did eliminate the two spillways. They are now underground scuppers. It is a scupper catch basin that is located in the curb. It then drains directly into the underground retention pipes. There is nothing visual on the surface at all. The other changes on the Landscape Plan is olive trees and the oleanders were brought in that were prevalent at the bank. From the shopping center across the street, ruellias and some of the shrubs were brought in so the frontage on Park Lane has the ruellias which are prevalent across the road. At this stage additional pine trees were not added. The property manager was hopeful not to add more pine needles into the ponds. He stated they feel the building does meet all of the concerns of the Staff.

MR. FLANDERS wanted to see how they came to this point submitted so he could understand it clearly to make sure that they are getting the best possible site and it was addressing the concerns of the Staff. MR. REIGLE offered some sketches which he based his comments on to the Commission.

CHAIRMAN RYAN commented the building elevation which would end up being the rear elevation was sacrificed in order to turn it to provide the traffic movement to the south of the building. He mentioned the retention basin seems to be stark. He suggested not trying to match the landscaping to the west but trying to provide the continuity of the lush landscaping in the turf to the bank to the east. It is critical to this project not to be abusive with the water usage, but it needs to have that turf and that continuity to make it tie in better. MR. REIGLE responded it was his understanding that the right-of-way area cannot be made turf. What is between the curb, the sidewalk and the retention area is a 24 to 36 inch height berm with landscaping on it. Further back is the screen wall. CHAIRMAN RYAN said the berm is only about a foot above the sidewalk. Having a deep retention basin there will end up looking very stark. MR. CURLEY interjected that they have no problem with maximizing turf to the extent that the City allows.

MR. IRBY said there is a 50-foot landscape setback along Chandler and as it turns the corner it goes to 30 and then drops to 20. The six parking spaces on the very south portion approaches into that landscape setback. He asked if that required a variance. MR. RITZ, in response, said the Park Lane Blvd. is a private street so Staff takes the position that that can be encroaching into that area. In regards to the retention basin landscaping, he asked if the right-of-way portions have lawn in it. His understanding is that was a State requirement. MR. KURTZ, in touching on the subject of landscaping and grass, stated their Code is established because of some long term agreements that they have had with the Arizona Department of Water Resources on how much gallons per capita of water used a day. The Code was modeled after a consent decree with the State to avoid any penalties that they may choose to put on them. There cannot be turf in the right-of-way and the turf cannot exceed 10 percent of the landscapable area in commercial. Commission will be able to recommend and Staff would advise to stick within the Code maximums because of some other outstanding understandings and agreements that with other Governmental agencies.

MR. CURLEY clarified from the sidewalk of Chandler Blvd. to the site is about 60 feet. The first 10 feet is right-of-way and that is the area Mr. Kurtz referred to. Everything behind that is private property which can be grassed.

MR. IRBY suggested looking at ground covers in the right-of-way that hides the dg. He also commented on the feature on the corner. He did not like the masonry wall feature on the west and preferred it not be duplicated. Maybe it could be done with landscape materials as a feature whether palm or shrubs that gives it some character at that corner. MR. HEUMANN said when talking about a feature it was not a wall monument but more of using landscaping to enhance that corner.

MS. KEMP commented hearing some of the constraints that the applicant had in terms of the positioning of the building made sense. She would be in favor of this but would like to hear some stipulations that would relate to the landscaping and the design feature.

CHAIRMAN RYAN said the added stipulation might read that a continuation of the landscape theme and lawn continue from the east street frontage of the existing bank to the existing street frontage along Chandler Blvd.

MR. HEUMANN felt there were some questions not totally answered. He asked if there were any concerns from the other Commissioners about the landscaping.

MR. FLANDERS comments that this particular project he was glad to see the building design that came forward, the things that were worked through on the different site issues as far as landscaping and screening. His concern is there was a request made at the Design Review Meeting for information to be provided to Commission for review. The two sketches brought forward tonight shows some possibilities. To get all the information in a timely manner is extremely important. The requested information was not received until tonight. He states he is not in favor of this project.

MR. CURLEY felt there was a misunderstanding. He did not realize Commission wanted the information in advance. He said they do not want to go forward with a negative recommendation. If Commission needs another two weeks to study this, a continuation was preferred.

MOVED BY MR HEUMANN, seconded by MS. POLVANI, on PDP02-0030 WASHINGTON MUTUAL BANK to continue to May 7, 2003, Planning and Zoning Commission meeting. MOTION CARRIED UNANIMOUSLY (6 to 0)

b. UP03-0003 BROOKE CORPORATION

MR. SVERDRUP presenting the item stated this is a Use Permit request to convert an existing residence into a residential conversion to allow a real estate and insurance office located at 598 West Chandler Boulevard. This site has been used over the last several years for residential conversion for a travel agency, a tax accounting office and an insurance office. This request is more intense than seen in the past. It includes five full time employees and one part-time employee. The number of employees and the size of the residence would require that the applicant provide 10 parking spaces. The site can provide five at this time. The applicant is proposing that Hartford be used for three parking spaces just north of the alley that separates this property from its neighbors to the north and to use the driveway for two parking spaces. There were discussions with the neighbors. The immediate neighbors to the east and west have phoned in opposition. They believe that the site is too intense. A letter was received from one of the property owners stating his opposition. Staff feels that this site does not meet with the Residential Conversion Policy.

Staff recommends denial of this application due to its proposed intensity and parking impacts on neighboring properties.

MR. BROCKMAN advised that at the Study Session there was discussion about some restrictions on parking on Hartford Road that should be made part of the record at this meeting.

MR. FLANDERS stated there were comments brought up in regards to on-street parking. MR. SVERDRUP replied during the Study Session, Staff brought forward from the Traffic Engineering Department the fact that Hartford and Chandler Blvd. will become a signalized intersection in the future and at such time there will be restriction as to how much on-street parking can be employed on Hartford. The Residential Conversion Policy does not permit for a residential conversion to have off-street parking. The idea is to keep the intensity to that residence and the site should contain its needed parking. MR. FLANDERS said in the City parking requirements any commercial use is required to park on-site. He asked what the timing is for the signalization for that intersection. MR. MAH said the traffic signal was to be installed earlier this year. Due to technical difficulties with relocation of utilities created by other developments, it has been postponed until later this year. He estimated in about six months time.

MR. HEUMANN noted that Staff is saying parking needs to be on the premise. There was some report in the letter from the applicant stating he has spoken to his neighbor and the neighbor agreed to allow parking in front of his house. A letter was received from one of the neighbors stating opposition.

MOVED BY MR. HEUMANN, seconded by MR. IRBY, on UP03-0003 BROOKE CORPORATION to deny request for Use Permit. MOTION CARRIED UNANIMOUSLY (5 to 0) with Mr. Ryan abstaining.

f. DVR02-0044 SAN TAN PLAZA PHASE II (WAL-MART SUPERCENTER)

MR. SVERDRUP presented the item stating this request is to rezone approximately 13 acres from PAD/Residential to PAD/Commercial. The site is also to amend the existing PDP for San Tan Plaza, Phase I that is the Kohl's Plaza which includes inline shops and two free standing pads. The PDP will be amended to remove Retails D & E from Phase I and propose a large single use retail business also known as Wal-Mart. This site is located at the northwest corner of Willis Road and Arizona Avenue. Ralph Pew represents the applicant, Kimberly Grimm from Continental Properties, tonight. The project does comply with the General Plan for commercial node at this location. A large single use retailer can be considered at this location. The main issue and the reason for Staff's recommendation is based on land use. When applying the large single use retail ordinance to this site, the large single use retail ordinance requires a 1500-foot separation from any low density single family residential. The site currently does not comply with that. This is 142 feet from the residential. There are means for Commission to waive or reduce the separation requirement. One is to require that accessory retail space or smaller spaces be attached to the large single use retailer to begin to transition the exterior front elevations and make the transition to the residential properties. This is all one store. There is no transitory or smaller retail space attached to the facility. Extensive greenbelts not less than 100 feet in width to separate the residential properties from the large single use retailer can be used, but this also requires that the site terrace and use walls to reduce the overall grade of the retail site by a minimum of six feet from the adjoining residential property. In this case there is not the minimum 100 feet and the retail site is actually higher than the adjacent residential. Another method would be to relocate the loading docks and overhead doors thereby eliminate the rear service drive. The application has relocated the loading bays and the overhead doors to either side to be facing the future San Tan Freeway and Willis Road and not the residential, but it has not eliminated the rear service drive. Access to the rear of the building by this would also only allow for pedestrian access. This site uses small roll-up doors for smaller delivery vehicles. The rear service drive has not been eliminated which is the key issue. The large single use retail building can be completely separated by small scale buildings that would put themselves in-between the residential property and the large single use retail building. This is all one building and there are no smaller scale buildings. There is no out building to help separate this use from the adjacent retail. The applicant will be showing revised elevations. Staff has worked with applicant since they submitted the packet that Commission has. A great amount of detail and paint and vertical articulation of the building has been done. There still is a flat plane presenting to the residential properties. A superior architecture and site design is needed in order to start alleviating the 1500-foot separation. Staff does not feel applicant has met those requirements for reducing the overall separation. There are some other issues with site design, site development, and architectural standards that can be worked on if this goes forward. The main issue is land use. The other big issue is Willis Road. Willis Road is acting as a driveway for this facility between Alma School and Arizona Avenue and part of this project is a requirement to build Willis Road to its full complete collector street width. Commission has before them all the support and opposition at received to date on this project. There are two e-mails supporting the Wal-Mart application and four letters of opposition plus one letter with 25 signatures. None of this constitutes a legal protest, but due to the project's inability to meet the large single use retail ordinance and the lack of what is felt a superior architecture and site design, Staff is recommending denial of this application as presented at this time.

CHAIRMAN RYAN requested that the focus be on the land use and not the aesthetics of the building. The land use needs to be looked at first to see if it is appropriate. If this Commission then feels it is appropriate, then there has been enough discussion about what the building looks like, what it should look like, and those are more things to be dealt with in Design Review hearing meeting.

MR. FLANDERS asked what came out at the neighborhood meetings as far as comments, opposition, or in favor. MR. SVERDRUP replied the applicant held two neighborhood meetings. One general meeting was in December where everyone within 1500 feet of the proposed rezone was invited and about 30 people show up. The majority of the people were not for the Wal-Mart. They were worried about traffic impacts, Willis Road, whether they will be responsible to help pay for the Willis Road improvement. There were also the proponents for Wal-Mart who said they need this in their City, they need to stop going to Mesa to spend their money at other Wal-Marts. The first meeting was a good mix. The second meeting was held with a more localized group. He states he has the residents of 108th Way. They are the ones who signed the petition opposed to this. There are several issues they had, most of which included the traffic impact, and property values.

MR. FLANDERS asked the new subdivision under construction to the west how many lots are completed to date. MR. SVERDRUP said they have 25 building permits issued in Alma School Place. Twenty-two of which are for other than the model homes. MR. FLANDERS asked if the applicant met with those potential homeowners in that subdivision. MR. SVERDRUP replied the applicant met with the residents of 108th Way specifically because they had various specific concerns. At the time the general meeting notices were mailed out to property owners within 1500 feet of the project, most of the permits were not issued at that time. MR. FLANDERS said there was mention of a disclosure statement by the homebuilder to the potential homebuyers and asked if that has happened and what does it state. MR. SVERDRUP said Continental Properties has developed a disclosure statement that includes very specific details on the fact that a large single use retailer is proposed to be adjacent to this property. It was found out just recently that the homebuilder is using a different disclosure statement that states there is a potential expansion of the retail businesses to the east and there will be some reconfiguration of the eastern portion of the subdivision. MR. FLANDERS said the homebuyer is not aware when they buy the house that there is going to be a possibility of a large single use retailer. MR. SVERDRUP said from the copy of the disclosure statement received, the homebuyer has not been made aware.

MR. RALPH PEW, 10 W. Main Street, Mesa, representing Continental Properties, given the turn of events mentioned by Staff, requested that the Commission continue the Planning and Zoning portion of this case until the June agenda and give some consideration to referring the design issues, the architectural features, the design elements that were mentioned to a DRB work session. That is what needs to happen in order to give this project the opportunity to continue discussions with property owners and to work with Staff. There was agreement with the Staff's analysis that the project complies with the General Plan of the City of Chandler. It is very specific in the General Plan that there is a commercial node at the intersection of the freeway and Arizona Avenue. It is also very specific in the General Plan that that commercial node includes neighborhood shopping, community retail, and large single use retail developments. The large single use ordinance was approved in July 2001. The City Council approved the General Plan in November 2001, and it went to the voters in March 2002. At the time the General Plan was adopted the General Plan specifically said this is the spot for these types of uses. The real issue is the interpretation and the understanding of the large single use ordinance. When the large single use retail ordinance was adopted, it had two components. One component deals with locational factors and another component deals with site design criteria. The items that the Staff mentioned tonight are all items that are site design criteria but there was locational criteria mentioned also. Things such as the loading docks, the adjacency of other jobs next to the large box use, and the grade separation. All those items are

design elements that an applicant can put into an application and ask this Commission and ultimately the Council to waive or modify the 1500-foot requirement. He states their project tonight does not meet or satisfy all of those locational items to merit a waiver. The Capital Pacific project, immediately to the west, was approved in November 2000. It was impossible at that time to impose upon that zoning case a condition that a disclosure statement be given to purchasers concerning the possibility of a large single use retail user next to it because the big box ordinance was not yet adopted. It was felt if they developed a disclosure statement that would be given to Capital Pacific to give to their homebuyers, it would accomplish the same thing that would have been accomplished had the zoning condition been imposed upon this case in 2000. If that were the case and if that applied, then the large single use retail ordinance states no compliance with these things that the Staff is comparing to, the 1500-foot requirement does not apply if the proper disclosure is done. In this case, the disclosure was not given in connection with the zoning case in 2000 because of no knowledge of it. The bigger issue that has come up within the last 24 hours is that the disclosure statement that was prepared that talks about large scale users, buildings over 150,000 square feet, traffic and lighting and those type of things, has not been the disclosure statement that purchasers within Capital Pacific have been signing. He stated they have been moving along this case thinking that the other disclosure was signed and that they did not need to comply with the items that Mr. Sverdrup mentioned because they thought that not only could Commission waive the 1500 feet but also it would just simply not apply. In the course 24 hours he states they have not had the opportunity to figure out exactly why the disclosure prepared had not been used and the circumstances surrounding how the one that has been signed was used. He requested time to get to the bottom of that and to develop some way to deal with it or come back to Commission with some proposed solution. For the benefit of those in the audience tonight that are on 108th Way, in the neighborhood meeting with those property owners there were various concerns that those individuals raised about this project, very typical concerns of being adjacent to a large project of this nature. The main one had to do with Willis Road and transportation and that they do have a commitment now to fully improve Willis Road clear to Alma School Road, which goes a long way to mitigating the traffic concerns that individuals might have this evening. He states all along they have been told to move this project up to the freeway. Given those facts, given the concern that the purchasers and Capital Pacific have, given the news now that they are committed to improving Willis Road the entire distance to Alma School Road, he asked for time to work on this and send this to design review to look at the architectural on this. Revised drawings have been submitted that they do not want to show at this hour. He requested Commission to continue the case to the June agenda and move it to DRB.

CHAIRMAN RYAN informed Mr. Pew the concerns when there is a continuance this long is that re-advertisement occurs. The dates change on the board and new mailings need to be sent out. That has to happen because on a monthly basis there will be new homeowners to the property west and they need to be involved because they are not signing what everybody else thinks they are signing.

MR. PEW said Commissioner Flanders raised the question of a neighborhood meeting with the purchasers of Capital Pacific. He states they did not because as Staff indicated this was started in the fall and there were no conveyances of property and with the thought that the other disclosure statement was being signed.

CHAIRMAN RYAN asked about the neighborhood turnout and if they went the 300 feet. MR. PEW said they went beyond that. At the December meeting about 30 to 40 people were there. The meeting about six weeks ago with property owners of 108th Way was well attended by most of the property owners there.

MR. HEUMANN asked if a continuance with a DNR review before coming back was being requested. MR. PEW replied that would be best. They feel they are close in design issues as it relates to architecture

and landscaping. With Commission's input on that then at the final hearing it can be dealt with all at once and deal with the land use and the design. MR. HEUMANN disagreed because the issues brought forth by Staff in terms of asking for a waiver from the 1500-feet. A lot of those issues need to be addressed before the design issues come about. There were several issues in terms of greenbelts, accessory retail space, loading dock, rear service drives, separate large single use retail building. All the things that in the "big box" ordinance are very clear that there are ways of waiving the 1500-feet, but Mr. Heumann did not see at this point of going to design review before some of those major issues are resolved. Mr. Heumann agreed waiting 60 days to come back and work out the issues with the homeowners, but a lot of these issues need to be addressed first and then come back to this Commission. The first issue as mentioned is a land use issue. Mr. Heumann preferred not to get into design issues until the land use issue is resolved. MR. PEW agreed as it relates to the land use versus design issue, however, if the disclosure statement that should have been signed would have been signed, it is possible that a waiver from the 1500-feet would not be asked for, it would simple be that it does not apply as the ordinance specifically says that. Referring to the end of Subparagraph 2 of the Single Use Retail Ordinance, the language specifically says that the requirements of Subsection 2 do not apply if the developer of such low-density single-family residential use was required by condition of zoning approve by the City Council to give full and adequate disclosure that said residential subdivision was within 1500-feet of another site currently designated. That says that the conditions above it, which are the items just mentioned, do not apply. He agreed that they do not meet to the letter of that portion of this large single use retail ordinance. He was taking the position that the same thing was being accomplished by doing that disclosure now. It would have been tantamount to the same thing if the right disclosure had been signed. MR. HEUMANN states the ordinance can be interpreted in different ways. He interprets that is one mitigating circumstance if it is a total project of mix use. When this came forward in 2000 the subdivision was not part of a mixed-use issue. Coming now and stating this does not apply because now it is a mixed-use issue, Mr. Heumann disagrees. He preferred to have the land use issues addressed at the June meeting. MR. PEW referred to subparagraph 3 and states that is where doing it as a mixed-use project comes into play. It is not required that the disclosure statement be part of a mixed use. He is referring to the sentence above Paragraph 3 that says the requirements of subparagraph 2 shall not apply.

CHAIRMAN RYAN said it would be best to bring it back to Commission before it goes to DRB. What could possibly happen over the next three months is there may be some middle ground found with the neighborhood or Staff that can make the site plans better. He would rather have the neighborhood give as much input and the Staff have another chance at it. Commission would like this to go to Council with the best achievable design.

MR. BROCKMAN said Mr. Pew and he have been discussing the issue raised by Mr. Heumann. To Mr. Pew, he states assuming that there are about 30 buildings permits that have already been pulled and if they did not get the notice that was thought they were going to get, then possibly his concept is not going to work. If that is the case some time will be needed to reconsider the site layout as a result of that then. MR. PEW responded that the City Attorney is correct. The fact that a different disclosure has been signed goes right to the heart of what they have been talking about and consequently if there is not a resolution reached with property owners in the Capital Pacific area, then he states they would have to do some design issues. The difficulty is the press of private arrangements.

MS. KORI AGIC, 654 W. Remington Dr., states she is about to move into Alma School Place. There has been talk about the issues so far with respect to Ordinance 3290. This project does not provide the 1500 minimum foot requirement between a large single use retail facility and the nearest low density residential area. It does not even meet the requirements stipulated in the ordinance which states extensive greenbelts not less than 100 feet in width must separate the large single use facility and nearest low density single family residential area. In addition the project proposal does not meet the requirement saying that the

large single use retail building must be at least six feet lower than the finished lot grade of the nearest low density single family residential use. The smaller scale buildings accommodating the less intensive land use would provide an effective transition to any adjoining residential use is also not there. The big issue is disclosure. The disclosure statement that the Capital Pacific homeowners did sign mentioned nothing of a large single use retail facility. There was no mention of vehicle traffic, landscaping, or garbage collection as mentioned in the large single use retail ordinance. She states they feel they have been wronged. It was not a fair and adequate disclosure. It is something that may have altered the decision to purchase a home had they had the full and adequate disclosure statement. In addition there should be information in the model homes that include a site plan and building elevations, there are no site plans or building elevations in the model homes. There is a board that depicts the lines of demarcation between the future expansion of retail space and the remaining low density single-family residential area. The visual offered was not readily displayed. It was pulled out and it was just of the actual homes. This is where the retail expansion may come to. No mention of a large single-use retail facility or any other vehicular traffic. There are concerns with the noise and the hours of operation. The traffic coming through on Willis Road. This is a place where children are going to be growing up and playing. She states they would not like to have traffic 24 hours a day next to the new residential area.

MS. LAURA LAMBSON, 1528 S. 108th Way, states she signed the letter that went to the Planning Staff in opposition. She believes the project does not properly fit on this site. She is very concerned about the 1500-foot buffer zone. One of the things about the 1500-foot buffer zone with direct relation to Capital Pacific homes and 108th Way is not a part of Capital Pacific homes. This site is harmonious to the neighborhood. There is a great concern with the largeness of this. As proposed the project includes a Wal-Mart that consists of approximately 207,000 square feet and a Kohl's Department Store, which was known was going in and did not object to, at 84,000 square feet. This project is much bigger than what anybody realized. Going through some rules and regulations reading that it almost meets the definition of a regional shopping center. The biggest concern is that Willis Road is going to be the primary access to Wal-Mart. It may be facing Arizona Avenue, but most of the entrances are on Willis Road and there is no way that Willis can be considered a major arterial street. It dead-ends within two miles. That is a big concern that Willis Road is going to carry the brunt of this project. They have offered to improve the road but it will still only be a two-lane road. Everyone needs to understand that this Wal-Mart Supercenter does not fit on this particular parcel. If it fit, it would fit and there would be no need for additional discussion. There are at least six other sites within a mile of this proposed site that could accommodate a Wal-Mart Supercenter to which there would more than likely be no objection to.

CHAIRMAN RYAN asked speaker if she had been properly notified of the meetings. MS. LAMBSON said yes and no. They are sending letters to what accordingly is the assessor's list and gets notifications at her house under her neighbor's name. Continental Properties has her name and address and gets notification from them. CHAIRMAN RYAN suggested to speaker that she give her name and address to Mr. Pew.

MR. HEUMANN asked for a map to be displayed.

MR. TROY FULLWOOD, 1342 S. Tumbleweed Ct., states he is the only homeowner in that subdivision at this time. There are several other homeowners that are due to close in the next 30 to 60 days. About 20 homes will be built by the end of summer. His concern when this was brought to him about 10 days ago from neighbors who are soon to move in was the disclosure statement as a whole. The disclosure he signed was the same one they signed. When he inquired about this Kohl's development that was being built, what was explained to him was a lot less that what was explained to them and that was the possibility existed where Kohl's could potentially purchase the last row of houses in this subdivision for additional parking. That was what was stated to him, and that was what was shown to me to him. That

was the interpretation of what he was signing. The salesperson did not have the plan that showed that they were going to take out 45 lots. The salesperson did not have a plan with a Super Wal-Mart although he states he heard about a Super Wal-Mart going in by reading the Business Journal. There is already on the north side of his property approximately a 20-foot wall with the freeway on the other side of it. That was there, it was visible, and it was shown. One reason he moved into the subdivision was the low traffic flow. He does not want his children getting access to a major roadway like Alma School Road. That was one of the attractions to the subdivision. Giving up 45 lots for this Super Wal-Mart to be wedged in there is defacing this community that was approved long before the big box theory was approved and long before Super Wal-Mart had any idea that they were going in there. These people that are in support of Super Wal-Mart would not want Super Wal-Mart within 147 feet of their front door. He can already see the side of Kohl's from his front yard, but when the landscaping is finished and the other houses are built along that east side of the subdivision, it is not going to be an issue. These are some genuine concerns. Owning his own real estate company he buys all over the country and do their own developments, but never in the history of his company have they ever tried to wedge something of this magnitude into that size of a space.

MS. ELIZABETH BEDSWORTH, 777 W. Chandler Blvd., #1266, states she does not want to go to the Mesa Supercenter. She wants one in Chandler to be able to spend her money in Chandler instead of Mesa.

MR. BRIAN LOWE, 1504 S. 108th Way, states his biggest concerns are safety concerns. The bus on Willis Road picks up his children. He would not want them out there with 200 to 300 cars a day coming down that road. A car has already driven into their wall once with the minimal amount of traffic that is on Willis Road now. He would hate to see what is going to happen when that is multiplied 10 times. Since they are on a private street, trash collection will not come into their subdivision so they set their cans out on Willis Road. It does not matter how big Willis Road is made with the given land that is there, they are still going to have their trash cans out there with their children and that is going to create hazards for people out there driving. On Friday he states he went over to Continental Homes and asked about the construction. He was told they did not know what was going in. He asked why are they hiding the fact that Wal-Mart is going in. Everybody knows what is going in there and if they are not willing to divulge that to people it does not say much for the entire process.

MS. PAULINE BEDSWORTH, 777 W. Chandler Blvd., #1266, states she works for Gilbert Public Schools. Because there is not a supercenter here, when she gets off from work she goes over to the supercenter and spends money in Mesa instead of being able to drive locally to a nice supercenter. The one that is at Alma School and Warner is not a nice Wal-Mart. The one she has gone to in Mesa is very nice and now Kohl's is located kitty-corner across from it too. It is a very beautiful area there. Nice people, a cross section of well-to-do people, medium income, and people that are probably on the poorer side but there they can go and get food at a reasonable price and do other shopping for clothes, nice clothes. They are not driving all over polluting the East Valley going from one place to the other. In reference to busses picking up children, her granddaughter who lives with her goes to San Marcos School. They pick up kids down there in the Willis area too to go to San Marcos. There are two entrances into the Fairways. Both of them there are kids waiting for a bus. Chandler Blvd., before the Chandler Fashion Center, used to have 40,000 cars per day. When the Chandler Fashion Center came in she felt everyone should have an equal opportunity to shop where they like to go. Her home faces Chandler Blvd. and she did not complain about doing that because she feels equal opportunity exists in Chandler also. This is about a very nice commercial building for everybody to enjoy. Not just the people in a certain income bracket. She states she has a husband on disability, they are raising their granddaughter, and she is the sole person working outside the home. There are a lot of people like her. There are retirees in the mobile home park down where this location is near too. There is also an area on Pecos that is not the greatest

area. Wal-Mart is nice. Sometimes when taking her son to work at 4 o'clock in the morning she will stop by the Mesa Center and feels very safe to go in and get things. There are people going around taking care of security. There are more people around in different income brackets. People who earn into the six figures can go to Wal-Mart like anyone else. Where is the fairness of letting everybody have an opportunity to go to a shopping center? Tonight she hears that they are going to complete the street all the way down. When going to Fry's off of Alma School, she states she does not have problems with people driving recklessly down Alma School or Arizona Avenue. Supercenters offer us a much better deal.

MS. TRACY KING, 715 W. Longhorn, states she is in the process of moving now and getting ready for the new home so she was not notified of anything. The Wal-Mart is too big of an obstruction to put on this land where there is this residential area where she want her kids to grow up. She knew about the disclosure but does not think that this is the place for the Wal-Mart. CHAIRMAN RYAN asked when signing the disclosure if she felt that there would be a large single user like this. The disclosure did not lead her to believe that. MS. KING replied no.

CHAIRMAN RYAN asked Mike Mah to enlighten the Commission and the people who showed up. Mr. Pew states the applicant, Wal-Mart, is willing to improve the full right-of-way of Willis Road from Alma School to Arizona Avenue. He asked what that section profile is. How would this impact the residence if this goes through and the road improvements occur? MR. MAH responded the developer will be completing the remainder of Willis Road from Alma School to Arizona Avenue. Willis Road is classified as a collector road so the intent is to bring the traffic out of the local streets and from the commercial development and bring it onto the arterial roads, which are Alma School and Arizona Avenue. The cross-section will be one lane in each direction with a centered two-way left turn lane and a bike lane in each direction. At the Alma School and Arizona Avenue end there will be left turn lanes. At Arizona Avenue there will be an east bound double left turn and a single lane that will act as a through and right turning lane. At the west end of Alma School, there will be a single through movement and a right turning movement. From the traffic impact study seen the geometrics to be built should be able to accommodate the traffic generated by the site. The most critical location along Willis Road will probably be at Arizona Avenue. A volume capacity ratio is estimated at 0.78, which means that if the capacity at the intersection were 100, the Wal-Mart, the Kohl's, and the proposed development would use up 78 percent of that. All those strips would generate enough traffic to use up about 78 percent of the capacity at that intersection.

CHAIRMAN RYAN asks if they are taking additional right-of-way than what the normal collector street right-of-way is near Arizona Avenue with the additional turn left lanes. MR. MAH did not believe so. The collector cross-section requires 60 feet. Typically on most local roads there would be 33 feet from centerline on either side. He did not believe they would be requiring any additional right-of-way. CHAIRMAN RYAN asked if all the right-of-way is dedicated on the south side of the centerline of Willis Road. MR. MAH was not sure. If there is not sufficient right-of-way, Wal-Mart will be required to acquire the necessary right-of-way to be able to construct the full cross-section of Willis.

MR. HEUMANN, in reference to the people south of Willis Road that bring their trash cans out to Willis Road, when that street is fully done he asked how that will go about. MR. MAH said he was not aware that the garbage collection was taking place on Willis Road or the school bus pickup will be taking place on Willis Road. That is a concern and will be given consideration to think of possible ways to minimize that impact.

MR. HEUMANN asked who did the traffic study and if the developer did it. MR. MAH replied United Civil Group did the traffic impact study. He states it was submitted to them and it was reviewed, comments were made, and revisions were made to their satisfaction. MR. HEUMANN referenced the

number 78 percent mentioned and asked if things like hours from midnight to 6 what the traffic is going to be, what the traffic is going to be from 6 to 9 in the morning when school is starting, and when the November 15th to January 1st time frame which is Christmas if the traffic study has taken into account the additional traffic that will be generated by that Supercenter and Kohl's in the busiest six weeks of the time frame. MR. MAH states typical traffic impact studies usually do not measure the volumes during the Christmas season. The 78 percent was based on afternoon rush hour, which will be the typical rush hour. The Saturday volumes may be slightly higher, but that was not studied. Normally the AM peak and PM peak hours are studied. The .78 was based on opening day in 2005 with the Kohl's, the Wal-Mart, and the subdivision built out. MR. HEUMANN asked if it was based on the square footage of the Wal-Mart and Kohl's or based on retail volume to the extent that supercenters generate excessive volume versus a normal store that size per square foot. MR. MAH said the trip generation rates come out of the Institute of Transportation Engineers Trip Generation Manuals. There are trip generation rates for the "big box" so it would be based on the square footage of the Wal-Mart. MR. HEUMANN said in the next 60 days, if that is what this Commission decides, he would like them to get together with Mr. Pew and their people to analyze this to see what the real heavy numbers are going to be from November 15th to January 1st time frame and will the 78 percent number more relate to 130 percent and overload those streets. MR. MAH replied that could be analyzed to determine what that impact might be.

MR PEW, for clarification, asked Commissioner Heumann if he was talking about the street capacity or the intersection capacity. He felt the Traffic Engineer was talking about the capacity at the intersections. Street capacity is typically not talked about. Those numbers are generally much larger. MR. HEUMANN said the fact that the intersection be able to handle it. His concern is the excessive amount of traffic coming out of a business like this that generates significant dollars.

MR. FULLWOOD added that this is not about beating up on Wal-Mart in the building of this building. It is what is the best use of this space. When there is less distance from the back of Wal-Mart to his front door than what is required in the "Big Box" building code, that becomes his concern as a homeowner. As far as support of Wal-Mart, he states he has shopped at Wal-Mart for years. It does not have anything to do with economic income. There are better places in the City of Chandler for this Wal-Mart to be built. Even if it was to the west there is a huge piece of land that is much bigger than what is being dealt with here trying to put this Wal-Mart in. I was mentioned earlier a recommendation that they move it out closer to the freeway to get better traffic flow. It is a great idea for something of this nature, but there are other sites. That is his concern as well as the other homeowners he has spoken with. It has nothing to do with the retail name or anything of that nature. Allowing Wal-Mart to build a center in Chandler which could be used by everybody is what is trying to be accomplished, but do it in the right location.

CHAIRMAN RYAN comments they do not zone businesses or trade names. All single large users are looked at for this site.

MS. KEMP said one of the things she is hearing a lot about is disclosure. Going forward, she asked if they are going to make sure that the disclosure statement being presented is changed to new homeowners. She wanted to know what the requirement is for the homebuilder when they are saying what could be coming into this commercial node. She asked what is required to be communicated to potential homeowners. MR. PEW, in response to the second question, said he did not know what the specific real estate requirements are for a homebuilder in disclosure. They are greatly increased from what they used to be. The disclosure being talked about tonight is what was anticipated by the large single use ordinance. In answer to the other question dealing with how to rectify this, he said he did not have an answer. He states he needs to meet with several players of this transaction, the developer, the user, the partners, and Capital Pacific, and meet with all the people at one time and get a clear message on where he is headed

with this and where they are collectively headed as a development team. Until he has an answer he is not going to talk to any of the neighbors and have the ability to make representations on behalf of everybody.

MOVED BY MR. HEUMANN, seconded by MS. KEMP, on DVR02-0044 SAN TAN PLAZA PHASE II to continue to June 18th Planning and Zoning Commission hearing to discuss the land use issue. This is also for the applicant to re-advertise as legally needs to be required.

MR. FLANDERS commented it is a good idea about the traffic study. It needs to be expanded farther to provide Commission and City Council and potential neighbors of what this is going to do. He liked the idea of the applicant meeting with potential homeowners in the Alma School Place subdivision.

When the vote was taken, MOTION TO CONTINUE CARRIED UNANIMOUSLY (6 to 0).

7. DIRECTOR'S REPORT – no report.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for May 7, 2003 at 5:30 P.M. in the Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 7:40 P.M.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE MAY 7, 2003 PLANNING AND ZONING COMMISSION MEETING
OF THE CITY OF CHANDLER, ARIZONA, held on May 7, 2003 in the Council
Chambers, 2nd Floor, Chandler Public Library, 22 South Delaware Street.

1. Chairman Ryan called the meeting to order at 5:35 p.m. and introduced the newly appointed member of the Commission, Mr. Brett Anderson. He stated that Mr. Anderson is a life-long resident of the City of Chandler and works as a landscape architect in the City of Phoenix. He added that for the last seven years, Mr. Anderson has served as a member of the Parks and Recreation Commission and he welcomed him as a member of the Planning and Zoning Commission.

2. Pledge of Allegiance was led by Commissioner Anderson.

3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Mr. Rick Heumann	Mrs. Tajuana Kemp
Mr. Mark Irby	Mr. Brett Anderson
Ms. Jeanette Polvani	

Absent & Excused: None

Also Present:

Mr. Doug Ballard, Planning & Development Director
Mr. Hank Pluster, Long Range Planning Manager
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY VICE CHAIRMAN FLANDERS, seconded by COMMISSIONER HEUMANN, to approve the minutes of the Regular Meeting of April 16, 2003 as presented. MOTION CARRIED UNANIMOUSLY.

5. ANNUAL PLANNING COMMISSION BUSINESS MEETING

Election of Officers:

A. CHAIRMAN

MOVED BY VICE CHAIRMAN FLANDERS, seconded by COMMISSIONER KEMP, that PHIL RYAN be re-elected Chairman of the Planning and Zoning Commission. MOTION CARRIED UNANIMOUSLY.

B. VICE-CHAIRMAN

MOVED BY CHAIRMAN RYAN, seconded by COMMISSIONER KEMP, that Michael Flanders be re-elected Vice-Chairman of the Planning and Zoning Commission. MOTION CARRIED UNANIMOUSLY.

6A. CONSENT AGENDA

CHAIRMAN RYAN recommended that Agenda Items B (including additional Stipulations 9 and 10), D, F, & H be approved on the Consent Agenda.

CHAIRMAN RYAN also requested that the additional conditions that have been added to Agenda Item *B as conditions of approval (Nos. 9 and 10) be read into the record.

Mr. Kurtz advised that Staff is recommending the addition of two stipulations as follows:

9. *In the event a light rail corridor is implemented along the Union Pacific Railroad tracks, the applicant shall be required to construct the remaining portion of the 8-foot high block wall adjacent to the tracks; and*
10. *The material storage shall be limited to 8-feet high along the west and north property lines west of the buildings and limited to 13-feet high east of the buildings within the designated outside storage areas.*

The Commissioners stated support for the two additional stipulations as outlined by Mr. Kurtz and they were therefore added to the proposed list of conditions.

*B. DVR02-0025 WILLIS INDUSTRIAL CENTER/PDP03-0005 84 LUMBER COMPANY

APPROVED, a request for rezoning from County Rural-43 to Initial City Zoning PAD Conceptual for I-1 industrial uses on approximately 33 acres located at the southeast corner of Willis Road and the Union Pacific Railroad with Preliminary Development Plan (PDP) approval on the first stage for a building materials supply company located on approximately 20 acres of this 33-acre parcel. (Applicant: Whitneybell Architects, Inc.)

The General Plan designates this parcel as Employment for major employers, industrial/business parks and industrial support uses. The site is located within the Airpark Area Plan and the Santan Freeway Corridor Area Plan confines, which designates the site as Light Industrial for manufacturing, warehousing and distribution, back office space, and high-tech uses.

Staff, upon finding consistency with the General Plan, Airpark Area Plan and Santan Freeway Corridor Area Plan, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "WILLIS INDUSTRIAL CENTER/84 LUMBER COMPANY" kept on file in the City of Chandler Current Planning Division, in file number DVR02-0025 and PDP03-0006, except as modified by condition herein.
2. Right-of-way dedications to achieve full widths for Willis Road and Hamilton Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The source of water that shall be used on the open space, common areas and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the WILLIS INDUSTRIAL CENTER/84 LUMBER COMPANY development shall use treated effluent to maintain open space, common areas and landscape tracts.
4. The landscaping in all open spaces and rights of way shall be maintained by the adjacent property owner or property owners' association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

7. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
8. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
9. In the event a light rail corridor is implemented along the Union Pacific Railroad tracks, the applicant shall be required to construct the remaining portion of the 8-foot high block wall adjacent to the tracks.
10. The material storage shall be limited to 8-feet high along the west and north property lines west of the buildings and limited to 13-feet high east of the buildings within the designated outside storage areas.

***D. PDP02-0037 SUN GROVES Parcels 17 and 18 (Fulton Homes)**

APPROVED, a request for Preliminary Development Plan approval for housing products for 179 lots located on approximately 52 gross acres, Parcels 17 and 18, within the Sun Groves residential subdivision, located approximately one-half mile east of the northeast corner of Lindsay Road and Hunt Highway. (Applicant: Fulton Homes, Chris Harrison.) The request is for single-family housing within a single-family development. Parcels 17 and 18 are a 52-acre site located in the southern half of the 643-acre Sun Groves subdivision. The property was rezoned from Agricultural (AG-1) to PAD in March 1999. The land use, lot sizes, landscaping, street standards, setbacks and subdivision diversity standards were addressed during the development's rezoning application along with the subdivision layout Preliminary Development Plan (PDP).

Staff, upon finding consistency with the General Plan and the Council adopted PAD zoning, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Sun Groves Parcels 17 & 18 - Preliminary Development Plan for Housing Product," kept on file in the City of Chandler Planning Services Division in File No. PDP02-0037, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 2943, case PL98-158 Sun Groves, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story.
4. The same front elevation shall not be built side-by-side or directly across the street from one another.
5. No more than 50 percent of the homes adjacent to Hunt Highway, Doral Drive, and Hillcrest Drive shall be two-story and no more than two two-story homes will be side-by-side along Doral Drive and Hillcrest Drive. For lots adjacent to an arterial street (Hunt Highway), two-story homes are limited to every third lot.

6. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
7. No more than two adjacent lots shall have identical rear elevation rooflines visible from arterial streets.

*F. UP03-0014 UTILITY VAULT

APPROVED, a request for a Use Permit extension for existing outdoor storage of concrete vaults for a period of one year on approximately 4 acres located +/- 300 feet north of Pecos Road on the east side of the Southern Pacific Railroad. (Applicant: Archicon, L.C.) The Utility Vault company currently stores manufactured utility vaults on a parcel of land directly northeast of Pecos Road and the railroad tracks. The property is zoned PAD for industrial use and building plans are currently being reviewed for the expansion.

Staff, upon finding the request to be consistent with the General Plan, recommends approval subject to the following condition:

1. This Use Permit to allow the outdoor storage of concrete vaults shall be effective for a period of one (1) year. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

*H. PDP03-0013 - CHANDLER FASHION CENTER PARCEL D

APPROVED, a request for Preliminary Development Plan approval for a 5.96-acre site with a 47,991 square foot retail building commercial parcel, located on the Northwest corner of Price Freeway and Frye Road, as part of Chandler Fashion Center Mall. (Applicant: Westcor.) The parcel is one of five mall parcels that were approved by the Council for Conceptual Planned Area Development (PAD) allowing Community Commercial (C-2) uses. Each parcel is required to obtain a PDP, which has already been completed for Parcels A, B and C. This application includes a single building and associated parking for a Best Buy electronics retail store.

Staff, upon finding the request to be consistent with the General Plan and the Council adopted PAD zoning, recommends approval, subject to the following conditions:

1. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, "Chandler Fashion Center Parcel D, Planned Area Development Guide, April 9, 2003," except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the property owner.
4. Approval by the Director of Planning and Development and Director of Public Works of plans for landscaping (open spaces and right-of-way) and perimeter walls.

5. The parking lot lighting level shall be compatible with the intensity of the mall's parking lot lighting as approved by Staff.

MOVED BY COMMISSIONER HEUMANN, seconded by VICE CHAIRMAN FLANDERS, to approve Consent Agenda items B (including additional stipulations 9 and 10), D, F and H as presented by Staff. MOTION CARRIED UNANIMOUSLY.

6B. ACTION ITEMS

A. PDP03-0001 OCOTILLO TOWNE CENTER II

Principal Planner BOB WEWORSKI stated that PDP03-0001 Ocotillo Towne Center II is a request for Preliminary Development Plan (PDP) approval for a commercial retail center. He noted that the 22-acre site is located at the northeast corner of Alma School and Queen Creek Roads. He briefly highlighted surrounding development and noted that the site was originally zoned PDP in 1997 for Community Commercial (C-2) types of land uses as part of a larger 320-acre Carino Estates rezoning. He pointed out that what is being proposed this evening is a retail center comprised of C-2 type uses. He added that it is anticipated that uses will include commercial, retail, shops, a pharmacy, restaurant uses and a potential grocery store. He noted that a PDP was originally proposed for a Wal-Mart Supercenter for this site in 1999 and said that residents in the area were strongly opposed to the application believing it to be too intense for the site and the City Council ultimately denied the application.

MR. WEWORSKI commented that the current proposal is significantly different from the previous PDP in that it consists of boutique retail shops, a number of restaurants including free-standing restaurants located in landscaped settings along Alma School Road, a pharmacy (also being proposed in a landscaped setting), a potential restaurant along Queen Creek Road, and in-line retail shops. He noted that the proposal also includes a number of larger (yet unidentified) retail users and said that they will be 30,000 to 40,000 square feet in size.

MR. WEWORSKI advised that Staff has evaluated the application based on current standards and is recommending approval with conditions. He noted that there are some issues that need to be discussed this evening and indicated his intention to present a brief overview of the features and issues associated with this proposal.

MR. WEWORSKI commented on site layout and said that it is located within a portion of Ocotillo, on the northeast corner of Alma School Road and Queen Creek Roads. He noted that the proposal contains a water feature and discussed the proposed turf landscaped area, which will provide effluent irrigation. He noted that the plan calls for an entry landscaped boulevard and commented on proposed landscaping, parking areas that include landscaped islands and planters, discussed access and circulation, and noted that the proposal exceeds many of the current listed design standards. He also informed the Commission that a traffic study was conducted for the site and it was determined that the medians, as proposed, are adequate. He added that a number of improvements would need to be made to the southbound, left-turn lane at the intersection corner of Alma School Road, where two-left-turn lanes going eastbound on Queen Creek Road would be required. He added that an existing median is currently located at Queen Creek Road that allows right-turn access to the site and said that there

is a proposal for left-turn, eastbound access off of Queen Creek Road to this site. He noted that there are issues remaining that need to be resolved with the stacking distance at that median interchange, which the traffic study has attempted to address.

MR. WEWORSKI added that there is also a proposal for a drive-through pharmacy at the very northeastern corner of the site, which would consist of a pharmacy use as part of the "Mini-Major A" building and reported that Staff has evaluated this based upon impacts of that use on the surrounding area. He pointed out that the Carino Estates residential subdivision is located directly north and east of that location. He noted that the applicant has done a number of things in an effort to mitigate sound impacts that might occur as a result of the proposed pharmacy use, including screening techniques, the addition of plastic insulated panels at the drive-through window, and additional landscaping. He reported that Staff still has concerns regarding this particular use based not so much on the sound impacts, but rather on some of the turning movements that surround this area. He pointed out that there are a number of loading dock areas and trash receptacles and stated the opinion that this location, in close proximity to a residential area, is not optimum for this type of use. He reported that Staff is recommending that the drive-through pharmacy be eliminated by stipulation.

MR. WEWORSKI also commented on building architecture and positive steps that have been taken in this area and discussed both the monument and building signs which have been designed to reflect the building architecture through the use of similar building forms, materials and colors. He noted that the applicant is proposing three monument signs along Alma School Road, in addition to normal Code requirements that would allow only two monument signs, but said that Staff has evaluated this proposal and believes it is appropriate for this site because the signs have been located along the major driveways along Alma School Road. He also commented on the uniqueness of the site layout where the pad buildings along the arterial streets restricts views to the inline shops and pointed out that the signs will be spaced at least 300-feet apart and located at the driveway entrances. He added, however, that Staff does not support the proposed Code deviation for three tenant names on the 14-foot high sign and has provided a stipulation that limits the monument signs to two tenant names per sign face in order to maintain consistency.

MR. WEWORSKI informed the members of the Commission that at least four neighborhood meetings have been held to discuss this issue and said that because of the location (the last remaining commercial parcel at this intersection) significant interest has been generated. He reported that Staff has received numerous letters, e-mails, and telephone calls both in support of and opposition to the proposal and said that copies of all those documents have been provided to the members of the Commission. He said that there are a number of community groups that have issues with the proposal and added that others have indicated support, based on the inclusion of specific conditions. He added that still others would like the proposal to be significantly altered and stated the opinion that for the most part the residents are opposed to a grocery store use and believe that a sufficient number of grocery stores already exist in that particular area. He added that the residents have also expressed concerns regarding the "Mini-Major" buildings, both A and B, that are being proposed and would like to see those relocated on the site. He reported that Staff has provided a stipulation that states that the largest single tenant would be limited to 50,000 square feet in size in an effort to address some of the residents' concerns. He added that a majority of the residents also concur with

Staff's opinion that the proposed pharmacy use is inappropriate for this location and should be eliminated from the proposal. He noted that concerns were also expressed regarding 24-hour uses and their elimination as well as proposed tenants and opposition to them. He reported that rumors have been circulating that a Wal-Mart Neighborhood Grocer could be a possible tenant and reported that the residents are opposed to that particular use.

MR. WEWORSKI noted that the Carino Estates Homeowners' Association has proposed some alternative plans that were recently received by Staff and added that they have not had sufficient time in which to evaluate the suggestions as far as technical review in order to determine whether the plans meet City standards and codes. He added, however, that Staff does see some merit in a number of the plans. He noted that information on these has been included in the packets and noted that the plans basically do not eliminate the buildings but rather relocate them on the site in an effort to de-intensify those particular uses away from the residential neighborhood located northeast of the site. He added that the plans also contain additional amenities, such as driveway features and water/lake features that might be conducive to the other uses. He reported that Staff has provided additional stipulations and reiterated their request that the pharmacy use be eliminated. He added that Staff has also stipulated that the hours of operation for deliveries be limited to between the hours of 11 p.m. and 6:00 a.m. He added that Staff has also recommended that tenant spaces be restricted to a maximum of 50,000 square feet. He advised that Staff recommends approval based on the proposed stipulations that have been submitted for the Commission's consideration.

In response to a question from COMMISSIONER IRBY, Mr. Weworski said that the colored site plan and landscape plans are accurate and explained that although original proposals called for screened-in trash receptacles to be included in the plan, Staff had concerns associated with trash pickup and the applicant has agreed to relocate the receptacles. He also advised that a smaller water feature was originally planned but following discussions with the applicant, the water feature was enlarged. He said that he is not aware of any discussions that took place relative to adding more water features to the proposal although residents in the area have made this suggestion.

COMMISSIONER HEUMANN asked whether there are any other locations in the City where a pharmacy is located on the corner with a grocery anchor that also contains a pharmacy. Mr. Weworski responded that he is not aware of other similar situations where two pharmacies are located on the same site.

In response to questions from Chairman Ryan relative to the traffic studies that are being conducted relative to "stacking issues" and potential impacts on the entry into the development, City Transportation Engineer MIKE MAH advised that the major issue appears to be the "left in only" access into the Albertson's, the first driveway immediately east of Alma School Road on Queen Creek Road. He referred to a diagram displayed in the Council Chambers and noted that there are side-by-side left turn bays, one into the Albertson's and a left turn bay in the other direction. He explained that Staff's concern is not so much with the current situation as it is with what will develop in the future and added that the future configuration for Queen Creek Road is to have six lanes which will be built into the median. He said that when that takes place one of the two driveways will need to be eliminated, which creates the difficult situation of having to choose at some point in the future.

MR. MAH stated that Staff has asked the developer to address this issue together with Albertson's and come up with a solution that is acceptable to everyone. He noted that one possible solution would be to eliminate the access into the Albertson's because that shopping center has an existing full movement access immediately to the east. He added that another option may be to maintain the side-by-side left turn bays and said that this would require widening on both sides of Queen Creek Road. He stated that Staff is not sure at this point whether the curbs that have been constructed at that location were designed to fit that standard or not. He discussed Staff's opinion that the developer should consider preparing a preliminary plan to show whether this option can be accommodated. He said that if it cannot be accommodated, Staff would recommend that a stipulation be added to allow this to happen so that the six lanes can be constructed in the future without additional work having to be performed on the curbs on either side of Queen Creek Road.

Discussion ensued relative to the fact that the proposal currently shows the west bound traffic and left turn into the west driveway being blocked off; the fact that it is currently feasible (with four lanes on Queen Creek) to allow this to remain in place and still have the other eastbound east driveway open as well since the two left-turn bays are side-by-side; the fact that in the future, as the road is widened, this situation would not remain possible; and the fact that the matter requires additional study and consideration.

COMMISSIONER HEUMANN discussed the fact that potential right-of-way on both sides may be required to accommodate the turn lanes and asked when Queen Creek Road is expected to be expanded to six lanes. Mr. Mah responded that he has just reviewed some information dating back to the mid 1990's relative to what took place when the Albertson's site plan came on board and noted that at that time discussion occurred relative to requiring additional right-of-way on both sides of Queen Creek Road in order to accommodate the two lefts, side-by-side. He noted that the City's normal requirement, as it approaches an intersection, is 75 feet and said that discussion took place relative to requiring 4 to 6 additional feet on either side in order to accommodate the side-by-side left turns. He added that Staff has not yet been able to determine whether this took place and said that research is being conducted into this matter.

MR. MAH also noted that the current five-year budget plan does not contain funding to widen Queen Creek Road to six lanes and estimated that the widening will be required in less than a ten-year timeframe.

In response to questions from VICE CHAIRMAN FLANDERS relative to costs, Mr. Mah reported that the City's position in the past has been that the development is responsible for the costs associated with issues such as this. He said that this is the reason why Staff suggested that the developer contact Albertson's management in an effort to arrive at a solution that is acceptable to both parties. He added that the costs may be split between the existing and future developments.

CHAIRMAN RYAN stated that at this time the applicant may come forward to present his remarks.

MIKE WITHEY, Withey, Anderson & Morris, representing Vestar Development Company, introduced other members of staff as well as the project architect, traffic

consultant and landscape architect to the members of the Commission. He commented on the fact that Staff has recommended approval of the proposal and provided a brief overview of the history of the site. He commented on the PDP for a Wal-Mart Supercenter that was originally proposed for this site in 1999 and stated the opinion that there was recognition at that time that the property was zoned PAD Commercial and the residents knew the site would one day be developed as a commercial shopping center, but they felt very strongly that the site was inappropriate for a (big box) Wal-Mart. He noted that comments were made at that time that the site was appropriate for a neighborhood shopping center and expressed the opinion that this is exactly what is being brought forward at this time for that site. He added that the plan attempts to comply with all of the comments that were previously expressed by Staff and the neighbors during the last "go around." He added that Vestar believes that the proposal represents a "complete surrender" to the wishes of the community.

Discussion ensued relative to a series of meetings that were held with neighborhood representatives to provide information and solicit input; meetings that were held with members of Staff which resulted in a number of changes to the proposal; Mr. Withey's opinion that the end result of all of the meetings is an extremely high-quality neighborhood center that meets all requirements and is far superior to many other recent developments in the area; extremely low lot coverage (approximately 20%); the fact that proposed landscaping exceeds Code requirements, particularly along Alma School Road and Queen Creek Roads; curb features that are proposed for the parking lot in order to create diversity and interest along the streetscape; the water feature on the corner and the fact that the feature has been significantly enlarged from the original proposal; reorientation of the pharmacy on the corner; the addition of pedestrian seating areas; the redesign of the screen walls; efforts expended to reduce the number and the scale of signs; and enhanced elevations that have been proposed for practically every building.

MR. WITHEY stated that on the northeast corner of the site, the commercial parcel abuts single-family residential development and stated the opinion that a significant buffer is being provided to protect the homes in the area and minimize any impacts on those residences. He explained that when the PAD was zoned, an attempt was made at that time to provide an appropriate buffer between the commercial and the residential and added that when the single-family subdivisions were platted, they specifically located significant open space, retention features, for the single-family homes adjacent to the commercial development. He referred to photographs depicting the extensive buffer zone and retention/landscaped areas. He added that there will also be an 8-foot wall located on the property line and stated the opinion that there will not be any detrimental impacts on the adjacent single-family homes.

MR. WITHEY also commented on the proposed pharmacy drive-through on the north side of "Mini-Major A" and said that this is the only disagreement they still have with Staff and requested that Stipulation No. 9 be deleted as a condition of approval. He added the opinion that the proposed drive-through would not negatively impact the adjacent neighborhood and noted that the use of this driveway has been significantly limited. He explained that the narrative specifically states that if a drive-through did occur, it would only be for a pharmacy and only if there was a grocer located at "Mini-Major A." He added that they also specifically said that they would limit the hours that the drive-through would be available. He also discussed the developer's efforts to provide information relative to existing drive-throughs at pharmacies and use statistics and

reported that approximately three to five customers an hour use this amenity, which represents a very low but important use.

MR. WITHEY stated that in terms of interfering with any traffic, they believe the drive-through represents an ideal use and said that rather than being located within the retail or pedestrian component, it is located on the side of the building and aside from some loading, very little traffic exists. He also pointed out that they have included in the Commissioner's packets an elevation showing what the drive-through would look like and noted that it would be fully enclosed except where the cars enter and exit the pharmacy. He also referred to copies of a letter from a sound engineer that were distributed to the members and said that the engineer rated certain noise decibel levels at various areas of the property. He reported that the "bottom line" that the sound engineer arrived at was that the anticipated noise level from the drive-through pharmacy would be approximately 32 to 34 decibels, which is approximately 15 decibels lower than typical suburban residential noise and will not be perceptible in the Carino Estates development.

MR. WITHEY expressed the opinion that based on all of the aforementioned data and criteria, they do not believe that there will be any detrimental impact on the neighborhood. He also discussed the entryway statement and stated the opinion that this represents one of the major signature components of the project. He commented on the issue of re-use in the future should the pharmacy cease to operate and distributed copies of renderings that were prepared illustrating how re-uses would be implemented for that site by eliminating the drive-through and adding additional parking areas and landscaping. He emphasized that although they do not anticipate this happening, they wanted to show that other aesthetically pleasing uses can be adapted in the future should it occur.

MR. WITHEY also referred to a diagram displayed in the Council Chambers and discussed the issue of dual left turns into the site and said that they have always been told that both sites would have access at the one-eighth of a mile location. He added that it would not make any sense for them to have two left turns into their site while they have none into theirs. He added that their engineers believe that both can occur side-by-side even after Queen Creek Road is expanded but said that at a minimum they believe both centers would have access at the one-eighth of a mile location. He stated that they would not oppose a stipulation that states that the final design of that would be worked out to the satisfaction of Staff.

MR. WITHEY said that the Staff and neighborhood representatives as well have been extremely professional and available and thanked everyone for their cooperation and efforts.

Additional discussion ensued relative to decibel levels and the plastic screening material proposed to be used to soundproof the drive-through; project phasing; the drive-through pharmacy and grocery; signage; center access; the fact that if the major user selected for the site does not contain a pharmacy, the pharmacy component (drive-through) would be eliminated; similar projects in existence in Arizona; the fact that City Code allows one pad per arterial street and the fact that relief can be granted through the PAD process, particularly when buildings are being "clustered" for the purpose of making one pad; the fact that the traffic report did recommend the placement of a traffic signal at

Alma School and Queen Creek at this time, and the fact that a connection (path) into the center already exists.

CHAIRMAN RYAN stated that a number of citizens have indicated an interest in speaking on this agenda item and said that he would like them to present their remarks at this time.

GEORGE ROZSA, 3370 S. Horizon Place, Ocotillo, stated that the Board of Directors of the Ocotillo Homeowners' Association want the members of the Commission to know that they do not support the current development plan presented by Vestar for the northeast corner of Alma School and Queen Creek Roads. He said that the Association requests that the Planning and Zoning Commission deny this project. He added that at a minimum they request that the proposal be sent to the Design Review Board after asking the developer to work out the differences that exist between them and the community. He added the opinion that the project name should exclude the word "Ocotillo" since it is located outside of Ocotillo's boundaries and added that the project does not meet the high design and architectural excellence that is required of the Ocotillo community. He stressed the importance of avoiding confusion and allowing people to think that the project is in fact part of the Ocotillo family. He also stated the opinion that the project reflects "lower standards" and should not be associated with the Ocotillo area. He added that other entities requested permission to utilize the "Ocotillo" name and were prepared to utilize another name if the request was turned down. He noted that this was not the case in this situation.

CHAIRMAN RYAN noted that Mr. Rozsa is Vice President of the Ocotillo Community Association's Board of Directors.

JAN FIAKAS, 2631 S. Emerson Street, Carino Estates, President of the LaVista HOA Board of Directors at Carino Estates, stated that when discussing the northeast corner of Queen Creek and Alma School Roads, Mr. Withey and Vestar are quick to point out that they have been working with and listening to the community and have made over 50 changes to their site plan in response to residents' concerns. He stated the opinion that the actual groundwork for a working relationship has just begun and that substantive changes in response to community concerns has yet to occur. He commented on the four neighborhood meetings that have been held and said that only one was a "true public meeting" where everyone's comments were heard. He advised that two meetings were not open to the public and were information sessions with the HOA's of the neighborhoods located immediately adjacent to the proposed project. He said that Mr. Withey and Vestar Development was told at that time that their overall layout was not acceptable and their response was that they could not make any major changes.

MR. FIAKAS stated that on February 18th, an Open House was held at Bogle Junior High School but noted that the meeting was poorly publicized and did not provide a forum for all to comment in. He added that on April 8th an open meeting was held where everyone could speak and hear concerns, offer suggestions, engage in real conversation. He reported that at the meeting, Mr. Withey noted that over 50 changes had been made to the original plans, thereby demonstrating their willingness to work with the residents in good faith. He added that when it was suggested that the changes were mainly "cosmetic" and did not address substantive concerns, Mr. Withey offered to send a list of those changes for the community to review. He noted that the list has

never been received. He said that at a follow-up meeting with Mr. Withey and Vestar Development, an alternative plan was presented and the following key concerns were again voiced:

- (1) Separate the major tenants;
- (2) Move the Majors away from the existing single-family homes;
- (3) Raise the architectural standard for the proposal to include four-sided architecture and a non-linear strip mall appearance;
- (4) Limit the number of drive-throughs and potential 24-hour service.

He stated that nothing concrete was achieved at that meeting and stressed the importance of the Planning and Zoning Commissioners understanding that the residents are willing to work with Vestar and Mr. Withey to develop a proposal that will represent a "win-win" for everyone. He added, however, that for everyone to win, they have to honestly respond to neighborhood concerns regarding the project. He said that the points raised by the residents are consistent with Chandler's goal of aiming for excellence in architectural and design standards and are consistent with the City's commitment to honor the integrity of existing neighborhoods.

MR. FIAKAS indicated his intention to review the alternative plan, "Plan A," contained in the packets and noted that they took the "Major A-Major B" and placed them to the north side of the property adjacent to the future commercial property, in the same location that the Super Wal-Mart was going to be located. He noted that up front a larger lake area was created to hold the three restaurants that are currently planned for along Alma School Road. He said that they can be placed along the lake and include patios that can be used as gathering places. He noted that the water feature on the corner could possibly be eliminated. He referred to "Plan A" and outlined various features and suggestions contained in that proposal. He stated that a "Plan B" was also developed but "Plan A" was the selected favorite by a wide majority.

ED RICCIO, 475 W. Redwood Drive, in the Fox Crossing community, a member of the Board of Directors of that community and the Treasurer of the HOA, said that his subdivision is located almost a mile away from the proposed project and the residents have a number of concerns that they would like to pass on to the members of the Commission for consideration. He said that in particular, the residents are concerned about the 24-hour potential focus of the center and stated the opinion that it is not appropriate to have the potential for stores to remain open 24 hours a day. He stated that more importantly, they are concerned about the drive-through on the "Mini-Major A." He added that there has been some discussion about having two pharmacies with drive-throughs on this site and pointed out that there are already six pharmacies located within a two-mile stretch of Alma School that this project would be located right in the middle of. He advised that the residents of Fox Crossing would like to see the "bar raised" in South Chandler and a center similar to Casa Paloma developed at this location. He urged the members to require that the developer eliminate the drive-through and provide enhanced architecture, more extensive and elaborate landscaping, less asphalt, and to improve the overall quality of the project.

FRED BERNECHE, 2641 S. Santa Anna Street, Vice President of the Clemente Ranch HOA, stated that his neighborhood is located on the northwest corner of Queen Creek and Alma School Road. He said that he has been involved in all of the past meetings

between the residents of his area and Vestar except for the last meeting where the homeowners proposed some changes, Plan A, which was turned down. He stated that he has personally been very impressed with Mike Withey and his professional staff members who were with him at the initial meetings. He said that Mr. Withey was aware of previous frustrations that were expressed relative to the prior Wal-Mart proposal for this site and was more than willing to reassure the residents that a "big box" development would not take place. He added that to date, that promise has not been compromised. He stated that this evening they are facing just a few differences of opinion on the site's positioning and certain structures as it relates to the community's needs and emphasized that the differences represent more than just a few cosmetic changes.

Discussion ensued relative to the residents opposition to the development of another pharmacy; objections to the use of the word "Ocotillo" in the name; concerns relative to the expanse of proposed asphalt and the residents' request that this be broken up as far as the parking lot is concerned; concerns relative to the linear design and the four sided architecture; objections relative to the placement of the two "Mini-Majors" backing up to the single family homes; residents' questions relative to the need for an additional grocery store in the area; objections to proposed 24-hour service being provided in the center; concerns relative to traffic in the area; and concerns relative to the fact that the shopping center as proposed shows three drive-throughs.

MR. BERNECHE stated that obviously the residents would like Vestar to make all of the changes requested by the residents but understands their reluctance as well and therefore the residents have limited their concerns to what they believe to be the four basic requirements that they would like incorporated into the design:

He stated that the residents are requesting that:

- (1) The two major tenants separated, as shown on Plan A.;
- (2) Both majors be moved away from the single-family homes, as shown on Plan A;
- (3) Raise the architectural standards to include four-sided architecture in order to avoid a "strip mall" appearance;
- (4) Limit the number of drive-throughs that are currently proposed in the plan

MR. BERNECHE advised that the above listed four concerns will meet the "high level of the bar" that has been set by this Commission and the City Council and urged the members to require that these conditions be met.

BRUCE BARTHOLOMEW, 1420 W. Raven, Clemente Ranch, said that he does not agree with the views expressed by his HOA and he is present this evening as a resident who supports the development of additional retail in this area. He said that a definite needs exists for retail/commercial development in this area and he is tired of having to drive to Ray Road or Chandler Boulevard in order to shop or dine. He added that he was opposed to the Wal-Mart center that was previously proposed at this location but said that the project currently under discussion is what the residents have been asking for and is appropriate for that location. He requested that the members of the Commission approve the plan and allow the project to go forward.

KEVIN MAAS, 144 W. Gold Finch Way, Carino Estates, said that as a resident he is here to speak in support of the Ocotillo Towne Center project. He stated that he is thrilled that a "big box" development will not be constructed at this location and added that the project appears to be a good, friendly use and the architectural design provides a nice buffer between the retail center and the homes. He commented that he is familiar with other Vestar projects and knows firsthand that they do not spare any expense to ensure that the projects are high quality and unique and blend with the surroundings. He commented on the benefits and convenience the project will provide and asked the Commission to approve the project as presented.

CHUCK SHIPLEY, 2821 W. Gail, a representative of the surrounding community, spoke in support of the proposed project. He stated that much time and energy has gone into this proposal and he believes the developer has shown good faith in trying to address concerns expressed by the residents. He added that his main interests are twofold, first the retail establishments that would be developed at that location and secondly, the tax base that would be added to the Chandler City coffers as a result of the new retail establishments. He said that he would like to read into the record a letter from Laura Daniels who could not be present this evening:

"Chairman Ryan, Chairman of the Planning and Zoning Commission: As a soon to be resident of the Ocotillo area, it is with great interest that I have followed the progress of the Vestar proposed development at the northeast corner of Alma School and Queen Creek Roads. I agree with the residents that the particular site is not a good location for a "big box" store and was glad to see that this was rejected. But there are no particular problems with the Ocotillo Towne Center II Project that is now being proposed. This particular site is zoned for commercial use and I know Chandler City law regulates the location of "big box" and other retail stores over 150,000 square feet. This site seems ideal for that development as proposed to be built. Vestar is a company with a solid record of building quality projects and has done a good job of being involved in the community in the process. I encourage your support for the Ocotillo Towne Center. Sincerely, Laura Daniels."

LINDA PEAIRS, 4883 S. Purple Sage Drive, Ocotillo Lakes, said that she was one of the people in attendance at the April meeting who suggested strongly to Vestar that it would not be difficult, particularly in the planning stages, to move and separate the two "Major-Minis" so they do not appear to be as big. She commented on the fact that separating them helps to reduce their size appearance and impact on the area. She added that she is concerned about the safety of pedestrians when you put a drive-through way back in the far corner of a shopping area and the traffic accessing the drive-through must go through the entire parking lot in order to get back there. She also commented on the negative impact of the car lights shining on the walls and lighting up the area surrounding the single-family residences. She spoke in opposition to crowding the community with businesses that are not needed and expressed concerns relative to a number of those establishments not being able to generate enough business to sustain themselves.

AMY HAMILTON, speaking on behalf of VELMA REZZONNICO, 1335 E. June, #233, Mesa, read a letter authored by Ms. Rezzonnico into the record. She stated that she is supportive of the quality growth that Chandler has experienced to date, which has resulted in the generation of sales tax. She said that she did not support the previous

development proposed for this site and expressed the opinion that a "big box" facility was not appropriate for the area. She added, however, that she does support the current project planned for this location and noted that the corner is already zoned for commercial use. She expressed the opinion that Vestar has created a proposal that complements the community. She commented on Vestar's excellent reputation and commitment to quality and asked the members of the Commission to approve the project as proposed.

CARL MC FARLAND, 373 W. Raven Drive, Carino Estates, said that both he and his wife support the development as proposed. He noted that they were both vehemently opposed to the "big box" concept and added that the proposed design is attractive and appropriate for the area. He stressed the importance of designing a project that will attract the type of businesses that will positively impact the area and said that restaurants are definitely needed at this location. He noted that the proposal will provide convenience and ease of access and will positively impact the community.

BERNIE HOGESTADT, developer of the Ocotillo Master Planned Community, agreed with previous speakers' comments relative to the fact that the center's location is not part of Ocotillo and therefore the name of the center should not contain the word "Ocotillo." He said that had Vestar representatives requested that they be allowed to become part of the Ocotillo community, the request would have been considered and they would have been subject to the design guidelines in place for that community. He added that not only is it not located in Ocotillo, it is also not the "Towne Center" of Ocotillo. He stated that although he can understand why the developer would like to be associated with the Ocotillo community and the trademark name, the community and he as the developer will not allow it.

UMBERTO PADILLA, 701 W. Shannon, suggested that the developer consider changing the name from "Ocotillo" to something that would memorialize and pay tribute to a resident of Ocotillo who passed away last year, Mr. William Jones.

CHAIRMAN RYAN thanked all of the speakers for their input.

MR. WITHEY stressed the importance of recognizing that many people do support or at least do not oppose the project and commented on the significant amount of dialogue that has taken place. He said that out of all of the opposition that has been expressed this evening, he would object to the comments that were made relative to the participation process. He noted that the case is a PDP only and said that the Code contains limited requirements for the public participation process. He added that the developer followed suggestions that had been made relative to the meetings and extended great effort to participate in the process in a manner that was acceptable to everyone involved. He stated the opinion that extensive effort was made to respond positively to the suggestions posed by the various groups and HOAs and said that they thought the purpose of the initial Open House was to provide information and get a dialogue going. He added that a second Open House was then held as well as a meeting with the core committee to discuss their proposal to redesign the project. He said that he is fine with people disagreeing and either speaking in support of or opposition to the design, but stated the opinion that they did more than other developers would have done in similar situations.

MR. WITHEY said that they did not agree to do a specialty retail center or to completely redesign the project and added that effort was expended to explain why these suggestions were just not feasible. He addressed the four issues listed by the residents as being the key "hold up" points and stated that as far as the location of the "Mini-Majors" and splitting them up, he believes that the fear behind this request is that the buildings will be "combined" into a 70,000 square foot user. He emphasized that the developer has agreed to a stipulation limiting the square footage of a user to 50,000 square feet.

MR. WITHEY addressed another concern raised by the residents, namely that the "Mini-Majors" backing up to single-family development and said that this is the way the original site was designed. He added the opinion that if they did nothing at all in terms of a buffer, their proposal would still far exceed what he has seen other developers submit. He commented on the extensive landscaping that has been proposed as well as building setbacks and said that a tremendous buffer exists between the project and the single-family residential development.

MR. WITHEY also discussed the residents' comments relative to four sided architecture and stated the opinion that the project's design is not slightly above average, it is significantly above average. He also stated that as far as the asphalt proposed for the center, the developer would be willing to compare what is being proposed to any other development that has gone forward in the City of Chandler and added the opinion that it will be the nicest center in south Chandler.

MR. WITHEY commented on the proposed drive-throughs and said he believes that this is the focus on the pharmacy drive-through at "Mini-Major A" and reiterated that this will be for a pharmacy only and the use has limited. He added that the hours of operation have also been limited and noted the significant separation that exists between the drive-through and the nearest building. He also noted the significant amount of landscaping and the 8-foot wall and reiterated that there will not be any impact on the neighborhood as a result of this proposal. He requested that the Commission approve their request per Staff's recommendation with the deletion of Stipulation No. 9 calling for the elimination of the drive-through at "Mini-Major A." He thanked the members of the Commission for their consideration.

CHAIRMAN RYAN stated the opinion that requesting that the applicant again meet with all of the various neighborhood groups would not be productive. He added, however, that he does agree with several comments that were presented by the speakers this evening and agreed with the suggestion that more work needs to be done on the four-sided elevations. He stated that the pharmacy on the corner does not provide a good elevation on either the Alma School or Queen Creek Road side. He also commented on the main drive entry and complemented the developer on their efforts. He added, however, that Pad B and Pad C both back up and have basically just arched inset walls. He stated the opinion that more can be done in this area as well to improve the overall aesthetics. He commented that he is not as concerned as some of the other people with the separation between the buildings and added that the landscaping should be looked at in more detail and that can be done as part of Design Review sessions. He expressed the opinion the proposal represents a "good start" but the elevations leave a little bit left for interpretation and this can mean the difference between an average and a great project. He stated the opinion that more detail needs to be defined through the

Design Review process and indicated overall support for the project as presented. He added that he believes the proposed pad sites for users are appropriate and said he would like the "nuts and bolts" of the proposal to be scrutinized as a result of a Design Review session.

VICE CHAIRMAN FLANDERS stated that he likes the development as it is placed and the design and added that he appreciates the fact that the applicant provided the study pertaining to sound levels and impacts on the surrounding areas. He said that the study addressed his questions relative to noise impacts and added that it does not make any difference to him whether one or two drive-through pharmacies are at that location. He noted the large number of restaurants that have been developed within a one-mile radius and said that this is all driven by market study. He added that he has no problem with Chairman Ryan's suggestion that the proposal undergo Design Review if it raises the level of the development.

COMMISSIONER HEUMANN also agreed with the Chairman's suggestion and said that although limiting the "Mini-Majors" to a certain square footage eliminates the risk of a larger building, he believes they are looking at some pretty long runs and he would like to see if some "plane changes" could occur. He stated the opinion that breaking up the pharmacy needs more work and that there are traffic issues that remain to be resolved. He also commented on concerns expressed by the residents relative to the use of the word "Ocotillo" in the name of the project and said that this issue must also be pursued.

COMMISSIONER IRBY concurred with the comments presented by the other members and said although he is not very excited about some of the parts of this project, he believes that directing that the project undergo Design Review will enhance the proposal and help to work out many of the remaining issues. He commented that he lives in close proximity to this location and has been very disappointed with the two centers that have already been developed on this corner. He noted that they contain many of the same shops and display the same type or lack of "character." He added that he likes the possibility of some free-standing restaurants being developed at this location and agreed that the "Mini-Major" shops should be broken up some more so that they are not in such a straight line.

COMMISSIONER KEMP echoed Commissioner Irby's comments and said that she is excited about the prospect of having more restaurants and retail development at that location but stressed the importance of improving upon the site itself.

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER IRBY, that the case be forwarded to the Design Review Board for discussion and consideration and that the case be continued to the June 4, 2003 Planning and Zoning Commission meeting. MOTION CARRIED UNANIMOUSLY.

(Chairman Ryan declared a brief recess at this time and the meeting shortly reconvened.)

C. PDP02-0030 WASHINGTON MUTUAL BANK

Planner I THOMAS RITZ provided a brief overview of this request for Preliminary Development Plan approval for a 4,000 square foot bank building on a 1.23-acre site at

Lot 2 of the "Park at Chandler" shopping center, located on the southwest corner of Alma School Road and Chandler Boulevard. (Applicant: Mike Curley; Earl, Curley and Legarde.) He stated that the case comes before the members of the Commission with a recommendation for denial from Staff. He added that many of the challenges they will hear tonight for the drive-through and site alternatives demonstrates Staff's position that the critical issue is the site plan and building setting. He commented that since this was sent to Design Review, the applicant has proposed two alternatives pertaining to their issues which have been forwarded to the members of the Commission. He noted that along with the two alternative site plans, the applicant has provided Staff with a list of challenges with each proposal. He noted that these are identified by the applicant as back of building faces Chandler Boulevard; no pedestrian path from Chandler Boulevard or from ponds; entry and signage conflict; probably requires second tower element; drive-through visible from Chandler Boulevard, and difficult interior layout.

MR. RITZ noted that although the applicant has drawn up the two alternatives, he has indicated that they prefer the original proposal. He added that a Commissioner also provided an alternative which provides a site plan for the bank and drive-through that is within a landscaped setting adjacent to Chandler Boulevard and the water features. He pointed out that the Commissioner's alternative has not had the benefit of the usual Staff review and is essentially a "first review" proposal and many of the issues pointed out would be resolved had this been an actual submittal. He emphasized the importance of keeping in mind that this is not the submittal that the applicant supports.

MR. RITZ reiterated Staff's opposition to the original Washington Mutual Bank submittal.

VICE CHAIRMAN FLANDERS asked whether the Commissioner alternative had been reviewed by Staff and was advised that it has been reviewed by various departments for particular issues such as site development for trash can and circulation issues and to the Fire Department (Fire Marshall's Office) to discuss their criteria for sprinkling a building this size. He added that the case has also gone to the Traffic Division for circulation issues to be addressed. He said that although the case has not gone through as a usual technical brief site with a full range of comments, it has had exposure to various City departments. He stated that with some "reworking" the alternative proposal could work.

MIKE CURLEY, 3101 N. Central, representing the applicant, reiterated that they sat down with Staff and met with representatives of the Fire Department last week. He noted that the Fire Department representative at that time indicated that the design proposed by Mr. Flanders was unacceptable. He added that they then went back and met with the Fire Chief and he actually reversed what was said and stated that Mr. Flanders' design was acceptable although the applicant's design was preferred from a safety aspect. He stated that numerous attempts were made to meet with the Traffic Department but they never actually met. He said that they believe there will ultimately be some concerns and they do not share Mr. Ritz' s optimism that the traffic alternative will work. He commented that with the exception of the issue of moving the building to the landscape setback, the applicant has incorporated every single comment that has been made by Staff and the Planning and Zoning Commission over the last one and a half year period into the proposal to better incorporate this building with the Bank of America building.

MR. CURLEY noted that they changed the colors that were originally proposed for the building and trim, added accent windows as well as a tower window in an effort to mimic the Bank of America building, added roof accents and roof line cornices as well as pop-outs to the windows, added grass around the corner and frontage and a landscaped entry. He noted that they also matched the landscaping palate to that of the Bank of America building. He pointed out that the only issue to his knowledge that has not been incorporated is moving this building up to the landscaped setting. He stated the opinion that great effort has been expended to meet all but one of the requests and added that their intent is not to be unreasonable or uncooperative but rather to illustrate that Washington Mutual has a major concern with doing anything other than what has already been proposed from a site plan standpoint. He emphasized that the access and circulation was the critical element.

MR. CURLEY briefly highlighted the alternative that was proposed and emphasized that Mr. Flanders went way above and beyond what anyone has done on other cases that he has been involved in and thanked him for his efforts and hard work. He noted that the problem with this alternative is not so much with the design as it is the small size of the site and efforts to accommodate what staff is asking for are practically impossible.

MR. CURLEY commented on the fact that the project is a relatively small one and stated that an enormous amount of effort has been expended to develop the best possible proposal. He stated the opinion that the proposal addresses every concern that has been raised with the exception of the one item and requested that the members of the Commission approve the applicant's request.

CHAIRMAN RYAN provided brief background information for the benefit of newly appointed Commissioner Anderson and said that the project was forwarded to the Design Review Board for review of a number of items that needed to be addressed. He noted that the case then came back to the Commission and one item remained to be addressed, namely facing the building out towards the landscaped area. He noted that the case was continued once again and Mr. Flanders came up with an alternative solution for consideration. He said that this evening the Commission will render a decision on this matter. He added that the applicant is not willing to design the building in any other manner and has provided justification for his belief that the building should remain as shown on the plan.

In response to a question from COMMISSIONER HEUMANN, Mr. Curley stated that they will not be able to see any of the driveway area with the amount of landscaping, berming and screening that is proposed. He added that they are talking about 180 feet from the visible intersection, and the area will not be able to be seen given the stipulations and design restraints that will be in place.

VICE CHAIRMAN FLANDERS noted that in looking at both proposals, one addresses Staff's concerns relative to the landscape setting and the other addresses the issue of circulation. He said that the applicant has spent a lot of time trying to alleviate concerns expressed by the members of the Commission and to meet Design Review criteria, and has done a good job. He stated the opinion that from a safety aspect, the developer's plan is the best one and added that his goal was for the applicant to work better with Staff relative to the site planning and to ensure that the best possible plan was on the table.

CHAIRMAN RYAN expressed appreciation to VICE CHAIRMAN FLANDERS for his hard work on this issue.

MOVED BY COMMISSIONER KEMP, seconded by COMMISSIONER POLVANI, to approve PDP02-0030 Washington Mutual Bank.

In response to a question from COMMISSIONER POLVANI, Mr. Ritz advised that Staff provided the applicant with the proposed stipulations both at the Planning Commission meeting two weeks ago and this evening and the applicant has no objections to them. He added that the applicant does want to clarify that the logo sign does still qualify.

COMMISSIONER HEUMANN referred to Stipulation No. 11 and requested clarification from Staff. Mr. Ritz responded that 10% of the total landscaped area is part of the City's agreement with the State of Arizona. He added that Staff believes that the 10% figure can be calculated using some of the other recently constructed pads along Alma School Road. He noted that the cumulative total of the landscaping of this pad as well as adding to the other pads would still meet the 10% level and qualify. He reiterated that Staff believes the 10% number can include the landscaping found on the other two pads along Alma School Road to come up with the 10% number.

COMMISSIONER HEUMANN also commented on Stipulation No. 12, which states that 25% of the trees shall be 48" box trees and asked what size the remaining number of trees will be. Mr. Ritz responded that the landscape plan as proposed did not follow the Code requirement and called for 42" box trees instead of 48". He added that the remainder of the trees would be the 36" and 24" box trees that the commercial design standard codes provide for.

COMMISSIONER HEUMANN said that the Stipulation then should read 25% of the trees shall be 48" box trees and the balance of the trees to follow the sizes called for in accordance with the commercial design guidelines. Mr. Ritz agreed with this statement.

CHAIRMAN RYAN stated the opinion that Stipulation No. 11 is confusing and should be stricken and that Stipulation No. 12 be amended to state that the balance of the trees will be in conformance with the new commercial landscape standards.

COMMISSIONER KEMP, the maker of the motion, agreed to the proposed amendments to the motion and COMMISSIONER POLVANI, the seconder of the motion, agreed as well.

MOTION CARRIED UNANIMOUSLY.

E. PDP02-0029 GATEWAY MARKETPLACE

VICE CHAIRMAN FLANDERS indicated that he had a potential conflict of interest in connection with the matter currently under discussion that he wanted reflected in the minutes of the meeting and because of such conflict, he would refrain from discussing/participating in this matter.

Principal Planner BOB WEWORSKI addressed the members of the Commission relative to this agenda item and noted that the request is for Preliminary Development Plan (PDP) approval for a comprehensive sign package for a 16.8-acre site located on the northwest corner of Riggs and Gilbert Roads. (Applicant: Ed Bull, Burch & Cracchiolo, P.A., Developer: TriPlus Partners.)

MR. WEWORSKI noted that the rezoning was approved in August of 2002 and commented on the outstanding architecture and character displayed throughout the project. He added that the developer exceeded a number of commercial design standards. He advised that during the zoning process, the members of the Commission expressed an interest in having the comprehensive sign package come back as a separate PDP and that is what is before the Commission this evening. He said that the proposal is to provide a comprehensive sign package that includes monument signs and a center identification sign as well as building signs. He pointed out that the applicant again has provided quality design features which characterize the building architecture and are designed to include materials and colors that match the building architecture.

MR. WEWORSKI added that based on the development's unique site design and architecture, Staff, in their evaluation, has looked at the quality of the comprehensive sign package and agrees that some measure of flexibility exists for some of the standards to be relieved, such as along Riggs Road. He noted that the applicant has requested approval for an additional monument sign. He said that the Sign Code allows a maximum of two freestanding signs per arterial frontage spaced at least 300 feet apart and added that the request, which Staff supports, is to allow three signs along Riggs Road, with two of the signs spaced 148 feet apart. He added that Staff also supports granting relief relative to the height requirements for the signs and noted that they are proposing one 14-foot sign, a 6-foot sign along Gilbert Road and three 6-foot signs along Riggs Road. He referred to a photograph displayed in the Council Chambers depicting a gasoline price sign and noted that the sign is actually 9 feet in size to the very top. He emphasized that Staff believes the architectural enhancements in place at this location support granting the requested relief.

MR. WEWORSKI informed the members of the Commission that Staff "draws the line" with a request that they be allowed to increase the maximum number of tenant names on the monument signs. He noted that in order to maintain consistency, Staff has included a stipulation (Stipulation No. 3) that limits the monument signs to a maximum of two tenant names per sign face with decorative panels on all unleased future tenant name sign areas. He commented on discussion that occurred at the Study Session relative to the gas price sign and the manner in which it is displayed and referred to photos of the sign displayed in the Chambers. He pointed out that the sign does include the Safeway identification that is repeated throughout the site. He added that to the applicant's credit, effort has been expended to minimize some of the signage since they went through the zoning process. He said they eliminated some of the Safeway logos on the gas canopy. He also advised that the two fuel monument signs incorporate the use of light emitting diode (LED) technology and said that Staff supports the LED fuel price signs due to the low intensity of the signs represented and the fact that the letters/numbers are stationary and not in motion. He reiterated that Staff is recommending approval with conditions and advised that the applicant does not agree with Stipulation No. 3, which limits the monument signs to a maximum of two tenant names per sign face.

In response to a request for clarification from COMMISSIONER KEMP, Mr. Weworski confirmed that on commercial sites such as this Staff has tried to maintain consistency relative to allowing only two tenant names on the signs. He added that there are some exceptions that through stipulation has allowed for additional signs such as at power centers where additional tenant names may be displayed based on the overall scale of the project. He emphasized that very few exceptions to this requirement exist.

ED BULL, 702 E. Osborne, Phoenix, representing the applicant in this case, addressed the members of the Commission and said that representatives from Tri-Plus Developers and Safeway are also present in the audience. He noted that the project received tremendous accolades both from the Commission as well as the City Council and stated the opinion that they were well deserved. He commented on the high quality and exceptional design of the project and said that the proposal significantly "raised the bar" with respect to the rural character architecture that had previously been discussed but not seen in this part of the City.

MR. BULL discussed the applicant's request for a third panel on the one 14-foot sign on Gilbert Road and said that this request did not trigger discussion eight months ago but will be discussed this evening. He stated the opinion that this issue is part of a "give and take process" and is justified for a variety of reasons on this particular site. He indicated his intention to focus on the third panel on the 14-foot sign and issues, comments and questions with respect to LED. He said that he agrees with Staff relative to Code requirements and that they should apply in a typical shopping center situation but expressed the opinion that this center, for a variety of reasons, has earned and can properly provide for three tenant panels on the one sign on Gilbert Road. He added that the sign, from their perspective, is not only appropriate and justified, but also very reasonable. He stressed that the sign, from its design, accomplishes the types of things that the Commission has encouraged in other places, from a quality, architectural and design standpoint. He said it is important to note that they are talking about one panel on one sign on one arterial and emphasized that they are not requesting that the sign be larger, taller or wider, simply expanding the sign to include three rather than two panels. He added that they do not consider allowing the additional panel to be a "trade off" for the additional height of the 6-foot sign or an additional sign to be provided on Riggs Road and explained that those issues were discussed with Staff and came about as positive steps to be taken to benefit everyone involved.

MR. BULL also discussed the issue of the LEDs and noted that only the numbers on the sign are LED and clarified that the Safeway and gasoline are backlit (illuminated) but are not LED such as the numbers. He noted that if they were not talking about LED at this time, they would probably be discussing the use of the old plastic panels that are periodically replaced as the price of gas changes. He stated the opinion that the LED represents a positive, attractive solution. He commented on the fact that the numbers are not large in size and said that this is both efficient and effective technology. He commented on the importance of security in kiosks oftentimes manned by one person and said the ability to change pricing is important. He expressed the opinion that the LEDs are an aesthetic improvement over the older plastic panels that were used for years and noted that they are being used in all Safeway stores across the State of Arizona with the exception of one. He also pointed out that the ability exists to adjust the intensity of the LEDs.

MR. BULL discussed the applicant's efforts to work closely with Staff on this case and noted that they have agreed with Staff on every single issue but one, the third panel, and stated that this was part of their request eight months ago. He requested that the members of the Commission agree that the requested flexibility in the sign package is warranted and should be approved.

In response to a question from COMMISSIONER HEUMANN relative to tenant signage, Mr. Bull stated that with respect to any grocery or major tenant in a neighborhood shopping center, it is a "given" that the grocer's name will be on the monument signs on the streets. He added that as far as other tenants and signage, he believes that would be based in part on square footage and in part on location. He said that to the best of his knowledge, the developer has not pre-negotiated any leases other than with Safeway. He commented on visibility problems and business identification challenges and said that it is justified for some tenants to have their names placed on the signs.

Discussion ensued among the members of the Commission and Mr. Bull relative to the size of the signs and architectural embellishments and the fact that the use of LED signs was approved for another Safeway center at Alma School and Chandler Heights Boulevard.

CHAIRMAN RYAN asked whether there were any other members of the audience who would like to come forward and present comments at this time. Their being none, he called for a motion on this issue.

COMMISSIONER HEUMANN stated the opinion that the applicant has done an exceptional job on this particular project and added that other cases where requests to increase the panels were denied did not reflect the same architectural integrity and quality that is in place at this location. He added that he believes that the requested relief is warranted in this particular situation.

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER KEMP, that PDP02-0029 be approved and that Stipulation No. 3 be amended to reflect that the 14-foot monument sign will be allowed to contain three names and shall provide decorative panels on all unleased future tenant name areas of the sign. All other monument signs are to have no more than two tenant names on the panels. MOTION CARRIED BY MAJORITY VOTE (6 TO 1) with VICE CHAIRMAN FLANDERS abstaining from the vote.

CHAIRMAN RYAN thanked everyone for their input.

G. UP03-0015 WAYNE MCMARTIN AMERICAN LEGION POST #91

Planner I THOMAS RITZ stated that this request is for a Liquor Use Permit for a Series 14 (Private Club) License within an expanded area at an existing American Legion Post located at 922 North Alma School Road, Suite 920 (the southwest corner of Alma School Road and Ray Road). Applicant: Ken Kraus; Owner: Jeong and Soon Low et al.

MR. RITZ advised that Staff recommends approval of the request and noted that the new use permit covers a third suite that is being leased by the American Legion. He added that the existing two tenant suites already have an approved use permit and a

Series 14 Club License. He noted that the license will allow alcohol sales only to members and bonafide guests. He said that he has asked the applicant whether the premises would be leased out and has been informed that the facility would be leased but to members only and their guests. He pointed out that the issue before the Commission this evening is not the use, since the social fraternal order is permitted by right in this C-2 zoning district. He added that assembly halls and banquet halls are also uses permitted by right in the C-2 zoning district. He said that the question to be decided deals strictly with alcohol sales with the constraint of the Series 14 License and the stipulations carrying over from the previous submittal prohibiting any carrying of the alcohol out into the parking area, and prohibiting any RVs in conjunction with the use permit.

COMMISSIONER HEUMANN commented on the recent adoption of Chandler's smoking regulations and asked whether private clubs were exempted. MR. RITZ stated the opinion that they were.

CHAIRMAN RYAN said that he would like to present a few comments to explain his vote this evening. He stated that he has nothing against the American Legion and in fact believes it to be a fine organization and added that he is also not opposed to the issuance of a liquor permit. He explained that his objection is to the presence of the American Legion in this retail facility and stated the opinion that there are more uses (more retail than commercial oriented) that should be going into this type of center in order to enhance the center's overall viability. He said that he has specific concerns regarding this particular center and for that reason will not support the request this evening.

KEN KRAUSE, 1201 W. Laredo, the applicant in this case, said that he was here a little over a year ago and Chairman Ryan expressed the same concern at that time. He said that they are here to serve the community and believes they are doing a good job at their current location. He noted that there are empty stores at that location and commented on businesses that were not able to generate enough business to support their continuation. He said that other than Goodwill, there are no viable businesses at that location and added that Goodwill is not a good tenant and fosters vandalism at that center. He noted that the organization does not rent out their space to the general public and explained that they really don't "rent," they charge a clean-up fee of \$100 for members who want to use the hall. He asked the members of the Commission to approve the request and allow the American Legion to continue to serve the community at this location.

Discussion ensued relative to the fact that the size of the organization's current space is 2,000 square feet and the need to expand in order to accommodate increasing membership; other shops located in the center including Goodwill, Famous Sam's, a small taco restaurant, a grocery store, Private Secretary, which provides contracted secretarial services and is located on the corner and a vacant Osco; the fact that Staff is not recommending the placement of a time limit on the use permit; and the fact that Staff supports the addition of a stipulation (agreed to by the applicant) that the facility would not be rented out to anyone other than members and guests the members personally know.

COMMISSIONER HEUMANN said that he agrees with Chairman Ryan's comments relative to the decaying condition of the center and that he too questions whether renting to the American Legion will actually improve that situation.

MOVED BY COMMISSIONER HEUMANN, seconded by VICE CHAIRMAN FLANDERS, to approve UP03-0015 WAYNE V. MCMARTIN AMERICAN LEGION POST #91, with the addition of Stipulation No. 6 to read that the facility will not be allowed to be leased out to anyone other than members and known guests of those members. MOTION CARRIED BY MAJORITY VOTE (6 TO 1) with Chairman Ryan voting Nay.

CHAIRMAN RYAN thanked everyone for their input.

5. DIRECTOR'S REPORT

There was no Director's Report at this time.

6. CHAIRMAN'S ANNOUNCEMENT

There was no Chairman's announcement at this time.

7. ADJOURNMENT

The meeting was adjourned at 9:08 p.m.

Phil Ryan, Chairman

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, May 21, 2003, held in the City Council Chambers, 2nd Floor of the Chandler Public Library, 22 South Delaware Street.

1. Chairman Ryan called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance was led by Ms. Polvani.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Mr. Mark Irby	Mr. Brett Anderson
Ms. Tajuana Kemp	Ms. Jeanette Polvani

Absent & Excused: Mr. Rick Heumann

Also Present:

Mr. Jeff Kurtz, Planner
Mr. Tom Ritz, Planner
Mr. Geir Sverdrup
Mr. Bob Weworski, Planner
Ms. Ashley Bailey
Mr. Glen Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES:

MOVED BY MR. IRBY, seconded by MR. KEMP, to approve the minutes of the Regular Meeting of May 7, 2003 as presented. MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT.

5. CONSENT AGENDA:

MR. KURTZ recommended that agenda items A, B, C D, E, F, G and H be approved on the Consent Agenda.

A. *ZONING CASE ZCA03-0001 CITY OF CHANDLER

APPROVED, as recommended by Staff, a request for a CONTINUANCE TO THE JUNE 18, 2003 PLANNING AND ZONING COMMISSION MEETING, City Initiative ZCA03-0001 CITY OF CHANDLER, to amend Chapter 35 (Zoning Code) of the Chandler city Code, by establishing definitions for "Antique," "Consignment Store," "Thrift Store," and "Swap Meet" in Section 35-200, definitions and by establishing permitted use vs. use permit requirements for these uses in Section 35-2100.

Staff recommend the continuance to allow additional time for review/comment from thrift store operators.

B. *DVR02-0042 CHINO BANDIDO RESTAURANT & RETAIL

APPROVED, a request for rezoning from PAD Office to PAD Restaurant/Retail on approximately 1.68 acres. The request includes approval of a Preliminary Development Plan (PDP) for the proposed restaurant and retail building. The property is located at the southeast corner of Dobson Road and Chandler Boulevard (San Marcos Square).

Stipulation #4 was added to the conditions of approval requiring that the trees be twelve (12) feet high.

Staff, upon finding consistency with the General Plan, recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit "A." Development Booklet, entitled, "Chino Bandido Restaurant," kept on file in the City of Chandler Planning Services Division in File No. DVR02-0042, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4 foot by 8 foot sign identifying what is being built and the estimated date of completion for the specified project. This information may be incorporated with the contractor's sign or the "Coming Soon" sign on the subject site.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces/retention) and perimeter walls. Ten trees to be added to southern property line.
5. A sign package shall be designed in coordination with landscape plans, planning materials, storm water retention requirements and utility pedestals so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. There shall be no amplified sound outside the building
7. All of the trees will be a minimum of twelve (12) feet high

C. *PDP03-0007 SUN GROVES PARCEL 14 (TAYLOR-WOODROW HOMES)

APPROVED, a request for Preliminary Development Plan approval for housing product for an approximately 111-lot single family residential subdivision on approximately 38 acres. This property is located north of the northeast corner of Lindsay Road and Hunt Highway.

Staff, upon finding consistency with the General Plan and previously approved Planned Area Development zoning, recommended approval of the Preliminary Development Plan for housing products subject to the following conditions:

1. Compliance with original stipulations adopted by the City council as Ordinance 2943 in case PL98-158 SUN GROVES, except as modified by condition herein.

2. Development shall be in substantial conformance with Exhibit A. Development Book let, entitled "Sun Groves Parcel 14 Preliminary Development Plan submittal" kept on file in the City of Chandler Current planning Division, in file no. PDP03-0007 except as modified by condition herein.
3. The same front elevation shall not be built on adjacent or opposite lots.
4. Staggered front and rear building setbacks for adjacent house locations shall occur throughout the entire subdivision.
5. Two story homes along arterial and collector streets are limited to no more than every third lot.

D. *UP03-0005 SUNRISE ADULT CARE HOME

APPROVED, a request for Use Permit approval for the provision of adult care services within their home located at 507 No. Nantucket Court.

Stipulation #3 was modified to reflect that maximum resident capacity will be six (6).

Staff, upon finding consistence with the General Plan, recommended approval of the Use Permit, subject to the following conditions:

1. The Use Permit shall be extended for a period of one (1) year at which time reapplication shall be required. The one-year time period shall begin from the date of City Council approval.
2. Compliance with the City of Chandler's Zoning Code provisions with regard to the operation of adult care homes.
3. Maximum resident capacity is six (6).

E. *UP03-0006 LEISURE LIVING FOR THE ELDERLY

APPROVED, as recommended by Staff, a CONTINUANCE TO THE JULY 2, 2003 PLANNING AND ZONING COMMISSION MEETING, a request for Use Permit approval for the provision of adult care services within their home located at 507 N. Nantucket Court. The applicant requested additional time for notification of a second neighborhood meeting in hopes to increase neighborhood input.

F. *UP03-0008 KIDS CAN DOODLE

APPROVED, A REQUEST FOR Use Permit approval for a preschool-child care center within a Regional Commercial (C-3) zoning district. The preschool-child care center is located at 2200 North Arizona Avenue, Suite #18. Staff, upon finding consistency with the General Plan, recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with exhibits, including floor plan and narrative, except as modified by condition herein.
2. Expansion or modification beyond the proposed floor plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. All outdoor activities shall occur within the existing, enclosed playground.

G. *UP03-0011 ADOBE MONTESORRI

APPROVED, a request for Use Permit approval to operate a Montessori School Pre-School and Daycare at a church within a SF 8.5 (Single-Family Residential) zoning district.

Staff, upon finding consistency with the General Plan, recommended approval, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits and representations (Site Plan/Floor Plan, Licensure and Narrative) shall require a new Use Permit application and approval.
2. Unimproved portions of the site shall require a new Use Permit application and approval.
3. The western section and the gate returns of the playground fence are to be constructed of block.

H. *UP03-0030 MAMA MIA PANDERIA & MARKET

APPROVED, a request for Use Permit approval to sell liquor (Series 10 Beer and Wine License) at a grocery store at 731 South Arizona Avenue.

Commissioner Anderson commented on the fact that a dangerous pedestrian crossing exists in this area.

Staff, upon finding consistency with the General Plan, recommended approval subject to the following conditions:

1. The Use Permit is for a Series 10 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

MOVED BY VICE-CHAIRMAN FLANDERS, seconded by COMMISSIONER IRBY, to approve Consent Agenda items A, B, C, D, E, F, G, and H as presented by Staff. MOTION WAS APPROVED (6-0) with COMMISSIONER HEUMANN abstaining.

6. DIRECTOR'S REPORT: No report.

7. CHAIRMAN'S ANNOUNCEMENT:

The next regular meeting was set for June 4, 2003 at 5:30 p.m. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 South Delaware Street, Chandler, Arizona.

8. ADJOURNMENT:

The meeting was adjourned at 5:38 p.m.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 4, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:33 P.M. He announced that Commissioner Kemp is leaving the Chandler Planning and Zoning Commission and moving to Chicago with her family. Appreciation was extended for her time on the Commission.
2. Pledge of Allegiance lead by Commissioner Kemp.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan
Ms. Jeanette Polvani
Ms. Tajuana Kemp
Mr. Brett Anderson

Mr. Michael Flanders
Mr. Rick Heumann
Mr. Mark Irby

Absent & Excused: None

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Ms. Thomas Ritz, Planner
Ms. Jodie Novak, Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY VICE-CHAIRMAN FLANDERS, seconded by COMMISSIONER IRBY, to approve the minutes of the May 21, 2003 meeting. MOTION CARRIED UNANIMOUSLY (6 to 1) with COMMISSIONER HEUMANN abstaining.

5. CONSENT AGENDA

CHAIRMAN RYAN recommended items A, B, D, E, be approved on the Consent Agenda.

*A. PDP03-0005 LANTANA RANCH MARKETPLACE SIGN PACKAGE

APPROVED, request for Preliminary Development Plan (PDP) approval of a comprehensive sign package for building-mounted and gas station signage within a commercial center located at the northeast corner of Ocotillo and McQueen Roads.

Upon finding consistency with the General Plan, Staff recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet entitled "Preliminary Development Plan for Signage for Lantana Ranch Marketplace", kept on file in the City of Chandler Current Planning Division, in File No. PDP03-0005 LANTANA RANCH MARKETPLACE, except as modified by condition herein.
2. Exhibit 2 (Building Signage) in the attached Development Booklet shall be modified as follows: remove Safeway Sign –D- on Elevation A; relocate Secondary Signage – E- to be next to Secondary Signage –B- on Elevation A; remove Safeway Sign –E- on Elevation C, D, and E.

*B. DVR02-0038 GYM TIME

CONTINUED to July 2, 2003 Planning and Zoning Commission meeting, a request for rezoning from Planned Industrial District (I-1)/Planned Area Development (PAD) Overlay to PAD for a children's gymnastics center, along with Preliminary Development Plan approval for building architecture and site layout, on property located at 3705 W. Commonwealth Avenue.

*D. DVR03-0004 QUAIL SPRINGS

APPROVED, request for action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development, or to cause the property to revert to the former Agriculture (AG-1) zoning classification, on property located east of the southeast corner of Ocotillo Road and Gilbert Road.

Staff, upon finding consistency with the General Plan, Southeast Chandler Area Plan, and Section 19 Area Plan recommends approval to extend the timing condition for three years, with all of the conditions in the original approval remaining in effect.

*E. PDP03-0001 OCOTILLO TOWNE CENTER II

CONTINUED to July 18, 2003 Planning and Zoning Commission meeting, a request for Preliminary Development Plan (PDP) approval for a commercial center including retail, grocery, pharmacy, and restaurant uses on property located at the northeast corner of Alma School Road and Queen Creek Road.

MOVED BY COMMISSIONER KEMP, seconded by COMMISSIONER HEUMANN to approve the Consent Agenda as presented by Staff. MOTION CARRIED UNANIMOUSLY (7 TO 0).

6. ACTION ITEMS

C. DVR03-0002 COBBLESTONE SQUARE

JODIE NOVAK stated the case presented is located at the southeast corner of Ray Road and McQueen Road. The property is currently zoned PAD/MF-2 which is multi-family 2 zoning, which allows multi-family uses such as apartments, town homes, or condominiums. The applicant requests to rezone to PAD Planned Area Development for a mixed-use commercial project, which includes a retail use at the intersection for an Eckerd's drug store and general medical office uses on the remainder of the property. The project site is relatively small and comprised of approximately 7.3 net acres and approx 50,000 square feet building area proposed for development. In working with the applicant, the design and cohesiveness of the project and relationship of the retail to the office uses. The Development Booklet represents a physical therapy building (Building B) as part of the zoning. At this time, the physical therapy building will not be a part of the Phase I construction. In addition, the developer is requesting a waiver from the development timing and phasing condition with regard to the Commercial Design Standards which requires an additional 12,000 square feet of building area with the Eckerd drug store as part of the first phase, but because of the physical therapy building not proceeding at this time, the applicant is requesting a waiver to proceed with the rest of the buildings proposed in Phase 1 as well.

MS. NOVAK stated Staff worked with the applicant with regard to the design/theme of the project to that of The Provinces. The developer is incorporating a lot of the architectural themes, New England theme, Cobblestone theme, pedestrian seating areas, benches, and lighting found throughout the Provinces area.

MS. NOVAK noted that a Neighborhood meeting was held, of which a handful of residents attended that had questions or concerns. The applicant/developer have been diligent in working with the neighbors that had concerns or questions. One neighbor had a concern about Building "I" and its proximity to her home given its size. Through discussions, the developer and neighbor have agreed to move that building which is now Building "F", represented on the Site Plan. The Site Plan is the most current representation of the building locations. There is documentation with the staff report showing that the applicant/developer have agreed to the relocation of that building. It does not affect the overall site circulation or landscaping, but only a re-positioning.

MS. NOVAK stated that there are stipulations that are a part of this project. In addition, there were additional stipulations requested by Commission during Study Session. Those stipulations are:

#12. The applicant shall work with Staff on the design of an architectural feature between buildings C, D, and E along McQueen Road.

#13. Portions of the intersection planter theme wall to be stepped down at the ends of the wall.

#14. The pre-manufactured cap on the theme walls shall not exceed a 2" overhang.

#15. The applicant shall work with Staff on the re-orientation or add a pitched roofline to Building D.

#16. The applicant shall work with Staff on the relocation of the bench blocking the intersection sign.

#17. Phase I construction shall include the row of parking on the west side of Building F, as indicated on the Site Plan.

#18. The plant palette shall match the plant palette on the Safeway shopping center across the street.

Staff recommends approval of the project in the way that it is represented on the most recent Site Plan, as well as the added conditions.

MR. RYAN asked if this piece is part of The Provinces Planned Area Development and part of the homeowner's association jurisdiction, and if this project would have to be approved by the Association. MS. NOVAK responded that this parcel is within The Provinces master plan, but not a part of the actual association. She stated that she would have to check if the project would have to be approved by the Association.

MR. RYAN requested MS. NOVAK to explain the building arrangement. Referring to the current Site Plan, MS. NOVAK pointed out that Building "F" was originally located where Buildings H and J are now located. Building "F" was moved in response to a neighbor request with concerns due to the location to larger building.

COMMISSIONER KEMP asked for clarification which buildings were included in the Phase 1 construction. MR. RYAN explained that in addition to Building A, which is the Eckerd's drug store, Phase I is comprised of Buildings C, D, and E (the three smaller buildings along McQueen Road.)

COMMISSIONER HEUMANN questioned if the physical therapy building that has gone away, if it would have to come back as a separate PDP. MS. NOVAK stated that in discussions with the applicant, it was hoped that the physical therapy office would return or a similar medical use would go in. However, if a retail use or general office use goes in, the applicant would need to come back thru a zoning amendment.

After discussion with the applicant, MS. NOVAK clarified that this parcel is not a part of The Provinces association, so would not need approval through their review board.

ED BULL, 702 E. Osborn Road, (representing Glenwood Development and Fulton Homes). MR. BULL stated that this small, in-fill challenged parcel has been zoned for multi-family residential for approximately 20 years, but had never developed. He stated that a meeting was held with neighbors to discuss uses as proposed, as opposed to the multi-family zoning. The building that was a concern to the neighbor to the east has been moved. The Site Plan before the Commission is the official site plan for their official approval.

MR. BULL further commented that a number of vignettes and other details that had to do with corner treatments, on-site architectural features, pedestrian benches, etc. Additional stipulations added through Study Session addresses many of the concerns of Commission, such as working on an architectural feature between buildings along the street frontage. He stated that the applicant will work with Staff to address stepping down the wall on the corner treatment and relocating the bench. This is a large intersection as compared to other intersections in the City. Consistent with what has occurred on the Safeway corner, there is some theme wall and stair step landscaping, pedestrian orientation, and a plant palette consistent with the Safeway.

MR. BULL explained that there was a lot of neighborhood outreach. Door to door work was performed, and representatives of Glenwood also attended the homeowner's association meeting for New Castle, as well as the Board of Director's meeting for The Provinces. To the best of their knowledge, all neighborhood questions and concerns have been resolved.

The plan combines a drug store, hopefully a physical therapy facility, and office buildings. It's all one story, very compatible with the setting, and the architectural details are consistent with the types of things that Staff encouraged them to do in accordance with The Provinces theme.

MR. RYAN stated that he views this plan as a 2.5-acre retail commercial corner (the drug store) and the balance as an office/garden project that has shared driveway access with the retail. The motion is to rezone to PAD with general medical and dental offices. The master plan, Lots 2, 3, 4, 5, etc., says PAD Offices and Retail. MR. RYAN stated that he did not know if he could support a mixed-use of retail and office in the balance of the project; he would rather see it stay as medical or professional office. He asked if there was any intent to deviate from that. MR. BULL stated "No" the office is to be office. On Page 2 of the Narrative, it is discussed what's the requested PAD, the requested land use. It's office and retail zoning for mixed-use commercial retail development that will offer the pharmacy, physical therapy, and general medical offices. It is their understanding that the corner designated retail for the Eckerd's is the PAD Commercial retail. The physical therapy building (what was intended to be a physical therapy building) is

designated for physical therapy/office kinds of uses. If the physical therapy building changes in design or to retail, it would require a PDP amendment and probably a PAD amendment because of the change of land use on the building.

MS. NOVAK clarified that there are 3 different uses as part of the PAD. Building "B" is a physical therapy building, meaning that Eckerd isn't planned for a physical therapy or not a specific physical therapy building elsewhere on the property.

COMMISSIONER HEUMANN stated that with other pharmacies that have come before the Commission, Commission has asked if there was a plan on how the building would be broken up if there were a demise of the facility. MR. BULL stated that a market study talks about the possible reuse of the building in the unforeseen event a pharmacy was not viable at this location. The applicant could work with Staff on a conceptual layout.

COMMISSIONER ANDERSON asked if four tenant name panels are allowed on the multi-tenant ground identification. MS. NOVAK said that the Sign Code permits monument signage with two tenant panels. When you have office projects, you'll have multiple tenants within a garden office setting. On previous occasions, Staff has supported additional signage to allow notification for some of the interior office users. The request is for four panels on each side of the sign. COMMISSIONER ANDERSON requested that a stipulation be written so that none of the four panels would be for the commercial designation, only for office. MS. NOVAK stated that Staff would prepare a stipulation that the signage representation be specifically for the office part in the complex. MR. BULL stated agreed and accepted the stipulation that the four panel signs be strictly for the office users.

VICE-CHAIRMAN FLANDERS stated that the main cabinet sign for the Eckerd's drug store seems too large and wondered if the cabinet be eliminated and provide pan channel to bring the massiveness down. It doesn't change the style of the letters or the intent as far the design. He stated he'd like to see a stipulation to that effect. MS. NOVAK stated that the applicant is willing and acceptable to the condition to changing the Eckerd's sign to pan channel, and Staff will work with them on the style and what would occur.

When asked for the location of the monument signs, MR. BULL stated the Eckerd's signs are located on the Ray frontage and on the McQueen frontage. He went on to state that there's a two panel sign, two signs for Eckerd's, and a four panel monument sign adjacent to the three office buildings. COMMISSIONER HEUMANN asked if it isn't the City's policy to have two signs on one street and one on the other street. MS. NOVAK stated that the Sign Code allows two monument signs per street frontage, but there are restrictions on the number of signs in regards to height. One 14' sign and the others are limited to 6' high. She also stated that she believed the other signs are 6' signs. MR. BULL noted that the four panel sign is 14' tall (Sign Panel 4A). It incorporates some stone and other architectural features found on the site. When asked about the signage, MR. BULL further explained that they are a sheet of aluminum or other metal that they would individually route out the letters where the illumination comes through

where the letters are routed out. It has the appearance of being individual letters, but it's part of a larger sheet of metal. There's a stucco-like material applied to the panel where the letters are not routed out. The narrative portion of the sign plan describes the multi-tenant sign.

MR. RYAN stated that this Commission has been leaning more toward individual letters and not the cabinet-type. He wondered if the sign plan is any different from anyone else's signage.

COMMISSIONER HEUMANN responded that Commission has been trying to go away from cabinet signage such as on the older centers. He stated that the applicant should go away from the Eckerd's cabinet sign. MR. BULL stated that added Stipulation No. 20 called for elimination of the Eckerd can sign and replacing it with individual pan letters. Also, if there's a concern with the Eckerd monument sign, the same stipulation could also apply there as well. As far as the multi-tenant sign, the design is identical to several of the most recent monument signs that has been worked on, where there is an aluminum panel and individually routed out letters. MR. RYAN said that the sign packages keep getting better. He wants to be assured that if cabinet signs haven't been getting approved, he doesn't want this one going forward with cabinet signs, and that he wanted to stay consistent with what has been done on other commercial developments.

VICE-CHAIRMAN FLANDERS stated that he didn't have a problem with adding the monument signs with pan channel, internally lit type, and that it would be consistent with the rest of the sign package. He asked Staff if the signs with routed out letters are still being done. MR. KURTZ responded that usually the panels have routed out letters. It's a standard and common technique. VICE-CHAIRMAN FLANDERS asked if each sign is internally lit or if there was one per cabinet. MR. KURTZ stated that he'd seen it done both ways.

MR. RYAN reconfirmed that Stipulation No. 20 addressed the monument sign changing from cabinet. MS. NOVAK said that Stipulation No. 20 stated "the applicant shall work with Staff on redesigning the Eckerd business main sign using pan channel letters". VICE-CHAIRMAN FLANDERS asked that also be applied to the monument sign.

MS. NOVAK read into the record the additional stipulations:

19. The four tenant signs are limited to office tenants only.

20. The applicant shall work with Staff on redesigning the Eckerd business name signs on the building and the two monuments signs using pan channel letters.

MOVED BY COMMISSIONER KEMP, seconded by VICE CHAIRMAN FLANDERS to approve DVR03-0002 COBBLESTONE SQUARE with additional Stipulations No. 19 and 20.

COMMISSIONER HEUMANN stated that he would vote Nay on this project. The stated it was a land use issue and something that Council should address with regard to the amount of freestanding drug stores around Chandler, and that he questioned the viability of the drug store. He stated that he questions the number of drug stores in the City. He said if this were an office project he would not have as much problem with approving it. He wants to send a message to Council to review, not just this drug store, but also all drug stores coming to the City and maybe taking a look at strengthening up what we're doing so we don't end up a City of corners with multiple drug stores. He re-stated that he would be voting Nay on this proposal. MOTION CARRIED BY MAJORITY VOTE (6 TO 1) with COMMISSIONER HEUMANN voting Nay.

7. DIRECTOR'S REPORT

There was no Director's Report as this time.

8. CHAIRMAN'S ANNOUNCEMENT

9. ADJOURNMENT

The meeting was adjourned at 6:18 p.m.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE JUNE 18, 2003 PLANNING AND ZONING COMMISSION MEETING
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers, 2nd Floor,
Chandler Public Library, 22 South Delaware Street.

1. Chairman Ryan called the meeting to order at 5:38 p.m.
2. Pledge of Allegiance was led by Commissioner Anderson.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Mr. Rick Heumann	Mr. Brett Anderson
Mr. Mark Irby	

Absent & Excused: Ms. Jeanette Polvani

Also Present:

Mr. Jeff Kurtz, Planning & Development Director
Mr. Geir Sverdrup, Planner II
Mr. Thomas Ritz, Planner
Ms. Jodie Novak, Planner
Ms. Ashley Bailey, Planner
Mr. Bob Weworski, Principal Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY VICE CHAIRMAN FLANDERS, seconded by COMMISSIONER HEUMANN, to approve the minutes of the Regular Meeting of June 4, 2003 as presented. MOTION CARRIED UNANIMOUSLY by those present.

5A. CONSENT AGENDA:

CHAIRMAN RYAN recommended that Agenda Items A, B, (including four (4) added Stipulations, #13, #14, #15 and #16) C, (including added Stipulation #9); G, (including added Stipulation #6); H, I, J, L and N (including added Stipulation #1) be approved on the Consent Agenda.

A. * ZONING CASE ZCA03-0001 CITY OF CHANDLER

APPROVED, the WITHDRAWAL of a City Initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by establishing definitions for "Antique," "Consignment Store," Thrift Store," and "Swap Meet" in Section 35-200, Definitions, and by establishing permitted use vs. use permit requirements for these uses, in Section 35-2100.

Staff recommended the withdrawal of this agenda item at this time in order to enable staff to consider some new input received from thrift store operators. Staff may elect to re-draft the Zoning Code to reflect this input, which would then necessitate re-advertising for subsequent hearings by Commission and Council.

B. * DVR03-0006 RAY RANCH PROFESSIONAL PLAZA

APPROVED, request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for general, medical and dental offices with Preliminary Development Plan (PDP) for an approximate 11.32 net acre parcel located at the northeast corner of Ray Road and Bullmoose Drive. (Applicant: Steven Bauer of Development Strategies, Inc.; Developer: Shea Commercial.)

Staff, upon finding consistency with the General Plan, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Ray Ranch Professional Plaza," kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0006, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half widths for Ray Road, Carriage Lane and Bullmoose Drive, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Dedicate an 8-foot public utility easement along Ray Road street frontage and coordinate with the Public Works Department.
5. Any remaining Section of the SRP irrigation ditch shall be piped along the Ray Road Street frontage and coordinated with the Public Works Department.
6. Undergrounding of all overhead electric (less than 69kv), communication and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The above ground utility poles, boxes, cabinets or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
7. Completion of the construction of all required off-site street improvements, including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
8. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).

9. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
10. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or a property owners' association.
11. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
12. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

In response to a request from the Chairman, the following four stipulations that were added to the above agenda item were also read into the record by staff:

13. **The applicant shall work with staff to add more building materials on all buildings including masonry and stone, using different colors and designs to break up the stucco building mass.**
14. **The applicant shall work with staff to break up the length of the northern drive aisle by incorporating planters, roundabouts, curved, linear drive aisles and similar design features.**
15. **Buildings R, O, N and K shall be angled by 45 degrees along Ray Road.**
16. **There shall be no sign banners.**

C. * DVR03-0007 HOSPICE OF THE VALLEY "DOBSON HOME"

APPROVED, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) Hospice for an eleven bed, in-patient hospice facility on approximately 1.2 acres. The request includes approval of a Preliminary Development Plan (PDP). The property is located at 1188 N. Dobson Road. (Applicant: Ron Grenenbacher, Hospice of the Valley, John Eden, Eden Architects, LLC; Property Owner: Jon & Suzanne Weeks.)

Upon finding the request to be consistent with the General Plan, Staff recommends approval subject to the following stipulations:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Hospice of the Valley Dobson House," kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0007, except as modified by condition herein.

2. Right-of-way dedications to achieve full half widths for Dobson Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Completion of the construction of all required off-site street improvements, including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
4. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
5. Undergrounding of all overhead electric (less than 69kv), communication and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. Within 30 days of the effective date of the Final Adoption of the rezoning ordinance, the applicant shall post a 4' by 8' sign for property zoned for commercial and/or multi-family use, conspicuous to the (existing or prospective) single-family subdivision that adjoins this site, advising the following: "This property has been zoned for other than single-family use. Current information regarding the development potential can be obtained from the City of Chandler Planning Services Division, (480) 782-3000." Sign shall have white background and black lettering.

In response to a request from the Chairman, the following stipulation that was added to the above agenda item was read into the record by staff:

9. **Trees along Dobson Road shall be a minimum of 24" box and shall be installed per the commercial design standards.**
- G. * PDP03-0011 WELLS FARGO OCOTILLO CORPORATE CENTER TRANSPORTATION PLAN

APPROVED, a request for Preliminary Development Plan for a public transportation plan of a commercial center located at the northwest corner of Price Road and Queen Creek Road. (Developer: Wells Fargo-Corporate Properties Group.)

Staff, upon finding consistency with the General Plan and current zoning, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled Public Transportation Plan - Ocotillo Corporate Center, Phase IA, kept on file in the City of Chandler Planning Services Division in File No. PDP03-0011, except as modified by condition herein.
2. Compliance with original stipulations adopted by City Council as Ordinance No. 3389 in case DVR02-0021 WELLS FARGO OCOTILLO CORPORATE CENTER, except as modified by condition herein.
3. The bus stops at the interior traffic circle and bus pull out along Price Road shall be constructed as part of the Phase IA development.
4. The bus stop canopy for the interior traffic circle bus stop shall be constructed as part of the Phase IA development.
5. All of the proposed sidewalks, crosswalks, and walkway connections on the site shall be constructed as part of the Phase IA development.

In response to a request from the Chairman, the following stipulation that was added to the above agenda item, was read into the record by staff:

6. **A different bus shelter design shall be required for the arterial street bus stops to be determined by staff.**

H. * UP03-0018 NOTHING BUT NOODLES

APPROVED, a request for a Use Permit to sell liquor (Series 12 Restaurant License) at a restaurant at 2040 S. Alma School Road, Suite 3, (SWC of Germann and Alma School Roads). Applicant: MC Noodles, Chris Adams.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

I. * UP03-0009 CREATIVE CARING

APPROVED, CONTINUING this request for Use Permit approval for the provision of childcare services within their home, located at 2608 W. McNair Street, to the July 16, 2003 Planning and Zoning Commission Meeting.

Staff recommends continuing this case to the July 16, 2003 Planning Commission meeting to allow additional time to research circumstances pertaining to the case and explore further options with the applicant.

J. * UP03-0012 CHIP PRO, INC.

APPROVED, a request for a Use Permit to continue the operation of an automotive reconditioning and collision repair business in an I-1 zoned district for property located at 7061 W. Galveston Street, east of the southeast corner of Galveston Street and 54th Street. (Applicant: Luman "Sonny" New, Chip Pro, Inc.)

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit to continue the operation of an automotive reconditioning and collision repair business within an I-1 zoning district subject to the following conditions:

1. Substantial conformance with the attached Site Plan and Landscape Plan.
2. All automotive reconditioning, minor spot/chip, dent and full collision repair work shall occur within the building.
3. The overnight storage of customer vehicles and company service trucks shall be within the building or behind the block wall and gate.
4. The Use Permit is effective for a period of three (3) years, at which time re-application shall be required.

L. * UPO3-0024 BONGOS BAR & GRILL

APPROVED, a request for a Use Permit to sell liquor (Series 12 Restaurant License) at a restaurant at 4080 West Ray Road. (Applicant: Bongos Bar and Grill LLC, Patrick Flynn.)

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

N. * PPT03-0007 COBBLESTONE SQUARE

APPROVED, request for a Preliminary Plat for a 9.19-acre commercial (mixed use development) subdivision located at the southeast corner of Ray Road and McQueen Road. (Applicant: Gervasio & Assoc., Inc.)

This plat is for a mixed-use development including a retail pad and offices. The development will include an Eckerd drug store and medical, dental and general office buildings. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required right-of-ways.

Upon finding the request to be consistent with the General Plan and Planned Area Development (PAD) zoning, Staff recommends approval.

In response to a request from the Chairman, the following stipulation, which was added to the above agenda item, was read into the record by staff:

- 1. Approval by the City Engineer and Director of Planning with regard to the details of all approvals required by the Code or condition.**

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER ANDERSON, to approve the Consent Agenda as presented, including all of the additional stipulations read into the record by staff and listed above. MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT.

5B. ACTION ITEMS

D. DVR02-0044 SAN TAN PLAZA PHASE II (WAL-MART SUPERCENTER)

Planner II Geir Sverdrup explained that this agenda item is for a request to rezone approximately 23.026 acres from PAD (Residential) to PAD (Commercial) together with Preliminary Development Plan approval for a Wal-Mart Supercenter located on the NWC of Willis Road and Arizona Avenue.

Mr. Sverdrup noted that staff is requesting that this agenda item be continued to the July 16, 2003 Planning Commission meeting and explained that the applicant has submitted a new site plan that dramatically changes the orientation of the building and slightly reduces the size of the building. He added that since staff does not have a complete packet of materials to review and present to the members of the Commission at this time, they have requested the continuance to allow the additional time for review.

Mr. Ralph Pew, 10 West Main Street, Mesa, an attorney representing the applicant, said that on behalf of his client, Continental Properties, Inc., he would like to ask that the case be continued to the August 6, 2003 meeting to allow staff and the Commissioners an opportunity to review and analyze the reconfigured site plan; provide an opportunity for the traffic engineers to respond to additional traffic questions and to meet with the City Engineer relative to potential resolutions regarding the traffic collection and bus stop arrangement on 108th Way. He emphasized that the request for a continuance should not be viewed as a "delay tactic" and said that their intent is not to inconvenience anyone and respectfully requested the additional time for review and research into this issue.

Chairman Ryan noted that a member of the audience had indicated that he wanted to speak on this agenda item and invited him to present his remarks at this time.

Michael Agic, 654 West Remington Drive, Chandler, representing 13 families and homeowners at Alma School Place, said that they support the request for the continuance. He commented that the group he is speaking on behalf of is growing and united and strongly opposed to the project. He invited other families to contact the group to find out additional information relative to their concerns and the case in general. He indicated his intention to present written remarks to Mr. Sverdrup, rather than speak at this time, and asked that they be made part of the record.

Chairman Ryan thanked Mr. Agic for his comments.

MOVED BY COMMISSIONER HEUMANN, seconded by VICE CHAIRMAN FLANDERS, that DVR02-0044 SAN TAN PLAZA PHASE II (WAL-MART SUPERCENTER) be CONTINUED TO THE AUGUST 6, 2003 Planning and Zoning Commission Meeting. MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT.

E. PDP03-0001 OCOTILLO TOWNE CENTER II

Principal Planner Bob Weworski explained that this is a request for Preliminary Development Plan (PDP) approval for a commercial center including retail, grocery, pharmacy and restaurant uses for a 22.4 net acre site with a 185,000 square foot total building area, located on the NEC of Alma School Road and Queen Creek Road. (Applicant: Mike Withey, Withey, Anderson & Morris; Developer: Vestar Development Company.) He noted that the case was continued from the Commission's last meeting to allow for an additional Design Review Committee meeting to take place. He added that during the Design Review meetings, details regarding design issues, specifically building architecture and highlighting four sided architecture and improvements to the building facades, were addressed.

Mr. Weworski outlined additional improvements that the applicant agreed to in the areas of landscaping and building architecture, particularly enhancements to the pharmacy elevations at the intersection corner, screening efforts for the loading area, and additional enhancements to building architecture. He said that the applicant has also provided elevations for the "Mini-Major A" building, which is proposing a drive-through pharmacy on the side of the building to include an elevation and building projections if the drive-through feature did not exist.

Discussion ensued relative to previous discussions regarding Queen Creek Road and whether a median turn lane could be accommodated to access the site; the fact that staff and the applicant have determined that adequate right-of-way exists to accommodate the full turning movements for both the median intersection to access this center as well as the existing turning lane to access the site on the southeast corner; the fact that dialogue continues with the neighbors relative to a number of issues that are of concern to them and explained that a number of the neighbors remain opposed to the proposed drive-through pharmacy feature; the fact that staff believes that the feature poses a number of conflicts and continues to recommend that the "Mini-Major A" drive-through be eliminated and the site be enhanced with landscaped buffering; the fact that the applicant included a sign package with the original submittal and staff has evaluated it and finds it to be appropriate for what is being proposed for the most part but noted, however, that Staff does not support the proposed code deviation for three tenant names on the 14-foot high sign and has provided a stipulation that limits the monument signs to two tenant names per sign face.

Mr. Weworski reiterated that staff continues to receive letters, e-mails and telephone calls from neighbors in support of and opposition to the project and noted that although there are some residents who are in favor of the retail center, many of the neighbors from the adjacent Carino Estates subdivision and Ocotillo community remain opposed to the proposal and to the current name of the project. He added that staff has found the project to be in conformance with most of the Commercial Design Standards and has recommended approval subject to a number of conditions.

Chairman Ryan thanked Mr. Weworski for the update and provided additional background information for the benefit of the members and the audience and noted that the case was reviewed at two Design Review Board meetings and a number of outstanding issues and concerns were addressed. He added that the members of the Design Review Board have indicated that the applicant was very accommodating and willing to address a majority of the architectural/landscape concerns that had been raised. He noted that zoning issues are not addressed as part of the Design Review process.

In response to a question from Commissioner Heumann, Mr. Weworski discussed plans that exist to landscape the medians on Alma School and Queen Creek Roads to include additional date palms as well as Brazilian pepper trees and fruitless olive trees.

Vice Chairman Flanders commented that a lot of pharmacies contain a significant amount of signage and stated that he would like to add a stipulation relative to the fact that this particular pharmacy use come back before the Planning and Zoning Commission for signage review and consideration. He added that he would like to review exactly what is being proposed in this area.

In response to a request for clarification, Vice Chairman Flanders clarified that he would like the signage for the corner pharmacy to come back before the Planning and Zoning Commission as a totally separate package.

Additional discussion ensued relative to the use of effluent water (irrigation) for landscaping the common areas of this project; access to the water and issues that remain to be addressed in this area; the fact that most of the effluent is privately owned by the Ocotillo management group and the fact that it is available for purchase.

Mike Withey, 2525 East Arizona Biltmore Circle, representing Vestar Development Company, provided the Commission and members of the audience with a brief overview of this case and introduced members of his consulting team also present at the meeting. He noted that staff is recommending approval and said that this is the second public hearing that has been held by the members of the Planning and Zoning Commission. He commented on the fact that during the previous "Wal-Mart Event" that occurred, the fact was made very well known that the property is zoned commercial and would be developed commercial. He emphasized that the neighbors were strongly opposed to "big box" development and stated the opinion that the site was appropriate for a "neighborhood center." He expressed the opinion that this is exactly what is being proposed for that location and discussed the applicant's willingness to address concerns and enhance the project in a wide range of areas. He asked the members of the Commission to vote in support of proceeding with the project and provided a brief summary of enhancements that the applicant has agreed to provide.

Mr. Withey stated that the applicant has submitted extremely detailed sign information and said that staff recommended approval. He added that the applicant was aware of concerns that had been expressed regarding signage on the pharmacy on the corner and asked that the Commission consider approving the sign package except for the pharmacy component, which will be brought back as a separate package.

Chairman Ryan invited members of the audience to present their comments at this time.

Mike Clements, 3541 South Camille Place, Chandler, spoke in support of the project and stated the opinion that it has a pleasing "Scottsdale" look to it. He commented on the proposed architectural, landscaping and arts features in addition to the entry features that include date palms and six-foot tall entry pots, and asked the Commission to vote in support of the proposal. He added that his wife also supports proceeding with the project and added the opinion that the Ocotillo name association is a "non-issue" and should be dropped.

Bruce Bartholomew, 1420 West Raven in Clemente Ranch, commented on the number of changes and enhancements that the applicant has agreed to in order to address neighbors' concerns and develop a project that everyone can be proud of. He also spoke in support of approving the proposal and proceeding as planned.

Carl McFarland, 373 West Raven Drive, in the Carino Estates subdivision, said he also spoke at the last meeting and supports the project that is being proposed by Vestar Development. He noted the significant changes that the developer has agreed to and commended the applicant for his willingness to address concerns and develop a quality project. He urged the members of the Commission to vote in support of the project. He discussed the drive-through and expressed the opinion that the neighbors do not consider that to be a major issue of concern. He said that the elimination of the drive-through would jeopardize the developer's ability to attract appropriate tenants for the site and said that it should remain part of the overall project.

Chuck Shipley, a 20-year resident of Chandler, said that he attended the previous meeting as well and appreciates all of the hard work that has gone into ensuring that the final product is one everyone can be proud of. He too said that he supports the project and commented on the Governor's Commission for Financial Review. He stated that a representative from the League of Cities and Towns spoke at the last meeting, Cathy Connolly, and she indicated that one of the "life bloods" of the various cities is sales tax or the transaction privilege tax. He spoke in support of continuing to generate sales tax revenues and asked the Commission to recommend to the Council that this project be approved.

Jan Fiacus, 2631 South Emerson Street, Carino Estates, indicated his appreciation for what the members of the Commission have done in terms of the architectural and landscaping improvements but added that he and many of his neighbors remain strongly opposed to the drive-through pad for Mini-Major A and believe that it should be eliminated from the proposal. He expressed concerns relative to traffic issues and placing people in "harm's way" and urged the members to require the applicant to move the drive-through to the northwest corner of the site, up against the proposed commercial property on Alma School Road, where it will provide easy access to Alma School Road and not negatively impact the safety of people in the area.

Mr. Withey requested that Stipulation No. 9 be eliminated ("The drive-through window located to the north of "Mini-Major A" building shall be prohibited between 11 p.m. and 6 a.m.") and stated the opinion that since it is being proposed as a pharmacy only, the drive-through will be extremely "low use." He added that less pedestrians will be crossing that area than in the main parking lot area. He also spoke in opposition to the

limited hours of operation and pointed out that a huge separation exists between the north side of "Mini-Major A" and the nearest single-family home. He also commented on the significant "buffering" that has been planned and again asked that Stipulation No. 9 be eliminated from the conditions for approval.

Chairman Ryan commended Mr. Withey and his client as well as the architect and landscape architect on their extensive efforts to address concerns and develop an aesthetically pleasing project. He said that he has never been in support of the drive-through, not because it impacts the neighborhood, but because it is "odd" and not something that he has seen before. He added that it "pulls" internal circulation into an area that could potentially be a passing pedestrian lane between the two buildings. He noted that he supports the rest of the project but does not support the drive-through.

Commissioner Heumann also commended the applicant on his efforts but said that he concurs with the Chairman's comments relative to the drive-through.

Vice Chairman Flanders agreed that the applicant has done an excellent job "stepping up to the plate" and addressing major issues of concern. He added that he does not have a problem with the drive-through location and stated the opinion that the applicant has provided the information that he was looking for in terms of safety, traffic levels and buffering. He said he will vote in support of the drive-through and added that it is appropriate for this location and necessary to ensure the overall success of the project.

Commissioner Irby commented that he has struggled over the drive-through issue and for a lot of personal reasons, he would like to see it eliminated but from a practical point of view in terms of planning, he does not see it as an issue as far as impacting the neighborhood. He added that although he would like to see it go away, he is not going to vote against it. He commended the applicant and his team on the excellent job they have done.

Commissioner Anderson agreed that many important concessions have been made by the applicant but said that he cannot support the drive-through, mainly because of traffic circulation reasons, and its location on that site.

Chairman Ryan stated that it appears that the members of the Commission unanimously agree that it has been a pleasure to work with the applicant and the members of his team and appreciate the many enhancements that the applicant has agreed to include as part of the project.

Mr. Withey expressed the opinion that they had provided a very strong case from a land use and circulation perspective that the drive-through is appropriate. He reiterated effort that went into designing a safe, attractive, well-buffered drive-through and the minimal amount of traffic that will pass through that area. He also asked that the Commission not send them back to "square one" on the signage and said that if particular concerns exist about the corner signage and C & D, he would ask that they be addressed separately and that all the work that they have done to date not be for naught.

In response to a question from Vice Chairman Flanders relative to signage and staff's expectations, Mr. Weworski stated the opinion that the standards that had been outlined

had been met and noted that the proposal exceeded some of the other locations in that area.

Vice Chairman Flanders asked whether additional verbiage could be added to the conditions of approval relative to signage in order to enhance and ensure that the end product is what they are seeking.

Commissioner Heumann commented on the extensive amount of time that has been spent on other areas and expressed the opinion that time should be taken to look at the sign package properly and separately. He added that opinion that the work to date expended by the applicant will not be "wasted" and this will give the members of the Commission an opportunity to better define and examine this important component.

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER ANDERSON, that PDP03-0001 Ocotillo Towne Center II be approved and that a minor modification be made to Stipulation No. 10 (Hours of delivery at the "Mini-Major A" and "Mini-Major B" tenant spaces shall be prohibited between 11:00 p.m. and 6:00 a.m.) changing it to "Hours of delivery for tenant spaces shall be prohibited between 11:00 p.m. and 6:00 a.m." so that the prohibition relates to the entire length of the building; that Stipulation No. 12 be added calling for the sign package to come back as a separate item for a thorough review by the members of the Commission; that Stipulation No. 13 be added, stipulating that date palms be installed in the median per City requirements; and that Stipulation No. 14 be added regarding the document that is on hand regarding the exit strategy of the pharmacy on the corner requiring it to be made part of the public record.

MOTION CARRIED UNANIMOUSLY by those present.

Chairman Ryan thanked everyone for their efforts regarding this case.

F. PDP03-0010 KYRENE CROSSINGS - LOT A

Mr. Weworski stated that this case is a request to amend an existing Preliminary Development Plan to change the building size and configuration for Lot A within an existing commercial development located at the southeast corner of Kyrene Road and Chandler Boulevard. He noted that the property was zoned in March 2000 for mixed-use commercial development featuring an innovative "village" concept made up of clusters of small-scale, single-story buildings. He added that the site is currently approved for commercial retail, restaurant, office space and a pharmacy.

Mr. Weworski explained that the proposed 6,100 square foot building for Lot A is approximately 24% larger than the currently approved 4,624 square foot building and noted that the new layout will not change the circulation or the traffic flow on the site. He added that the proposed perimeter treatment, smaller parking areas, and the increased building setbacks are consistent with the approved PDP. He noted that parking has been displaced by the larger building area with additional spaces along the boulevard drive. He said that parking for the Lot A building is adequate with shared parking provided throughout the commercial center at a ratio of 5.8 spaces per 1,000 square feet of building area.

Mr. Weworski informed the members of the Commission that a number of provisions have been added to help mitigate the impact of the commercial building on the adjacent neighborhood. He reported that the site includes a dense landscape buffer, screened by a row of 12-foot tall evergreen trees along the property line. He noted that the approved zoning also includes stipulations that restrict the hours of delivery and trash pick-up and prohibits illuminated signs from facing toward the residential neighborhood. He added that the applicant has met or notified the residential neighbors that adjoin the property at Lot A and has not received any opposition to the proposal. He added that staff has not received any comments or telephone calls relative to the application.

Mr. Weworski noted that staff has recommended approval in accordance with one condition as outlined in staff's report.

Jennifer Grombaucher, Whitneybell Architects/11+ Corners, LLC, the applicant in this case, 1102 East Missouri, Phoenix, said that she would like to defer her remarks until after the speakers have presented their comments so that she will have the opportunity to respond to questions and concerns.

Jack Brammel, 5861 West Glenview, said that he is the President of the Homeowners' Association for the property that surrounds the development on two sides (south and east). He noted that he has spoken with several homeowners in the area whose properties line up in back of the property, not just behind the proposed building, and said that the Association has been very supportive of the development, likes the concept and the design/layout. He stated that he has spoken with the developer about their intention to change the size of this one particular building and was advised that the reason behind the expansion is "market driven" and will make the building and its location easier "to sell." He commented on the fact that the buildings are spaced in such a manner that there is now some free space between them and questioned whether requests will be made in the future to also expand the size of the other buildings for "marketing purposes."

Mr. Brammel explained that the neighbors have concerns that a precedent will be set and additional requests will be submitted if this request is approved. He commented on the fact that everyone supported the original design and questioned why changes should be made at this point in time. He urged the members of the Commission to deny the request for the expansion and require the applicant to keep the project as it was originally submitted to and accepted by the area residents.

Jeff Jacobs, representing Empire Commercial Development, 7550 East McDonald Drive, stated the opinion that the applicant considers the change to be a very minor one, since it consists of adding approximately 25 feet to the total length of the building. He commented on a discussion he had with Mr. Brammel relative to future plans for the entire center and stated that they have also worked closely with staff on this and other issues. Mr. Jacobs commented on the additional landscaping and screening that has been added and said that although he can understand the neighbors' concern, he can assure them that they do not intend to "combine" any buildings or set a precedent that will be consistently repeated in the future. He added that they do not have any plans to sell the building and are trying to build and lease it. He commented on the significant expenses associated with developing this particular site and emphasized that the request is "market driven" in that there are users who would like to utilize the building but

said that in order to build the facility and have it make sense economically, it is necessary to increase the size of the building.

Mr. Jacobs briefly commented on concessions the applicant has agreed to and effort that has been expended to buffer the project from the surrounding residential homes. He added that the size increase is minor and will not set a precedent and asked the Commission to approve their request.

Discussion ensued relative to the fact that initial staff approval has been received for buildings F and G for a medical office use; the fact that one of the pads was previously sold when the site was sold to CVS and Wendy's and the owner's intention to build an office building in the back on one of the four potential sites; the fact that the applicant owns the pads shown as Building 3, Pad A, Pad F and Pad G; the fact that staff has not received any formal requests for the development of the pads that were sold; discussion relative to the Commission's reluctance to approve additional size modifications in the future and change the overall "feel" of the center; the fact that no legal notification requirement exists for Preliminary Development Plan processes but staff felt it important to advise the neighbors of the request and therefore asked the applicant to go beyond the legal requirement; and the benefits of having members of the Homeowners' Association check with staff on a quarterly basis to ensure that no requests have been received by staff relative to any project revisions.

MOVED BY VICE CHAIRMAN FLANDERS, seconded by COMMISSIONER IRBY, that PDP03-0010 KYRENE CROSSINGS - LOT A, a request to amend the existing Preliminary Development Plan approval to change the building size and configuration for Lot A, be approved. MOTION CARRIED UNANIMOUSLY by those present.

K. UP03-0022 THE WILD HARE

Planner I Thomas Ritz stated that this request is for a Use Permit to allow continued alcohol sales in a portion of an existing restaurant (Series 12 or Restaurant License) at 4910 West Ray Road, Suite #3, in the Chandler Sunset Shopping Center (Northeast corner of Rural Road and Ray Road). He noted that staff recommends approval of the request and said that this came about because last year the applicant took over the adjacent suite spaces (2 and 3) within a freestanding pad adjacent to Ray Road, formerly occupied by the Blue Burrito and the Bull Frog Cigar Shop, combining them into a single restaurant. He noted that the restaurant is modeled after the applicant's two existing restaurants in Chandler and Gilbert. He said that at the time the Wild Hare opened, there was an existing Use Permit for a Series 12 license in effect for the suite space previously occupied by the Blue Burrito. However, the addition of the former cigar shop space required new Use Permit approval that was approved with a one-year time limit. He stated that the property's present zoning was approved by the City Council in 1998 and the Wild Hare is the only business in the shopping center with a Use Permit for alcohol sales.

Mr. Weworski explained that the extended Use Permit, if approved, will be used in association with a Series 12 liquor license and will apply to the total area of the combined suites. He added that a Series 12 license is considered a "restaurant license" and allows the on-premise sale of beer, wine and liquor primarily in the original container, for on-site consumption. He added that the volume of alcohol sales is limited

to the extent that at least 40% of the total revenue is derived from the sale of food and non-alcoholic beverages and said that the sale of alcohol is a standard service offered by other restaurants in Chandler.

Mr. Weworski pointed out that last year the Commissioners, after raising and discussing a number of concerns, believed it prudent to attach a one-year time limit to the original Use Permit approval. He explained that the concerns included use of the patio next to the Starbuck's patio, the 6:00 a.m. opening, the amount of window signage, and the dining room layout. He added that the Commissioners felt that continued operation of the business beyond the one-year period should, upon reapplication by the applicant, be subject to Commission and Council findings of continued compliance with the stated conditions and evidence of neighborhood compatibility.

Mr. Weworski reported that during the past year, Staff has received complaints about the appearance of the outdoor patio and the use of the patio area facing Ray Road for outdoor storage. He advised that Staff contacted the Wild Hare in mid and late October, mid-November and mid-December 2002 regarding this issue. He noted that the issues were resolved by late December 2002 and the patio area is currently being used for dining purposes only. He added that to date, Staff has not received any telephone calls or letters from any neighbors regarding the requested Use Permit.

Vice Chairman Flanders advised that the applicant is a client of his and he had a potential conflict of interest regarding this matter that he wanted reflected in the minutes of the meeting and because of such conflict he would refrain from discussion and/or participating in any discussion relative to this item.

Lauren Pond, 1260 West Lido Street, Chandler, the applicant in this case and owner of the Wild Hare restaurant, said that he hoped he would not have to go through an annual "use permit" process and added that if the Use Permit is continued for another year, that will make it three years in a row that he has had to come forward and reapply. He commented that he can understand the concerns that were expressed relative to items that had been stored on the patio area and noted that since the first of the year he has had no contact at all with anyone from the City relative to any complaints that had been filed. He explained that the items were construction related and have been permanently removed. He stated the opinion that a main issue is the fact that he does not have access to his dumpsters until after 3 p.m. in the afternoon and he has to maintain a "roll away" trashcan that is large and gray and sits by the back door of the restaurant. He added that on occasion he also has items on site that are the result of deliveries, such as stacked pallets that are exchanged during delivery times. Mr. Pond explained that they tried placing these items over by the dumpster but were asked by the landlord to cease putting them by the dumpster.

Mr. Pond said that he has no storage area per se and would like to put up some screening and has asked his landlord several times for permission to do that but to date has been unsuccessful in receiving approval to proceed in this manner.

Discussion ensued relative to surrounding businesses; dumpster limitations and the unsightly appearance of the trash containers; the fact that the applicant will remove a five-foot aluminum ladder that is also in view; the visibility of the business and the importance of working out a permanent solution to the problem that includes screening;

the fact that the issue could be continued for sixty days to allow the applicant to work with staff and his landlord in an effort to resolve the outstanding issues; and the fact that if the issues are resolved within that time period, rather than approve another limited one-year Use-Permit extension, the Commission would consider granting a three-year or longer Use Permit term (at the discretion of the Commission).

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER IRBY, that UP03-0022, THE WILD HARE, a request for Use Permit extension to continue to sell all types of liquor for on-premise consumption only in a portion of an existing restaurant located at 4910 West Ray Road, be CONTINUED to the August 20, 2003 Planning and Zoning Commission meeting to allow the applicant additional time to resolve outstanding issues associated with storage and unsightly appearance of the outside areas. MOTION CARRIED UNANIMOUSLY by those present and voting with Vice Chairman Flanders abstaining from the vote.

M. PDP03-0014 BIAGIO (VILLAGE AT WILDTREE)

Principal Planner Bob Weworski addressed the Commission relative to this agenda item and explained that the case is a request to amend an existing Preliminary Development Plan for the pharmacy and multi-family uses and minor site improvements for a mixed-use development located at the northeast corner of Rural Road and Chandler Boulevard. He explained that the case was approved in 2001 for a mixed-use development to include retail, restaurants and office related commercial buildings, with approximately 201 apartments. He added that the application requests a Preliminary Development Plan (PDP) amendment to change the apartments to condominiums, reconfigure the pharmacy building, and modify some site features and add monument signs for the office use. He noted that Staff recommends approval of the request, subject to conditions.

Mr. Weworski provided background information relative to this issue and said that Biagio (Village at Wildtree) is an innovative development concept featuring a neo-traditional mixed-use village that emphasizes a pedestrian oriented setting. He said that the development will be a place where people can live, work and shop in a "European Village" environment and explained that the mix of land uses are tied together by the integration of common architectural, landscape, pedestrian, lighting and signage themes. He added that there are no wall barriers separating the different land uses and the concept is highlighted with a retail building that is located near the center of the site and includes residential units on the second story.

Mr. Weworski stated the opinion that the strong design character and integration of buildings along with the landscape and architectural amenities featured throughout justifies the unique nature of the multi-use concept. He noted that the originally approved building materials have a consistent Tuscan architectural theme, which utilize many of the materials, colors and features found on the proposed residential housing products. He noted that a variety of tower elements, courtyard, arches, covered walkways and window shutters provide a warm character that invites pedestrians to experience the different elements throughout the center.

Mr. Weworski noted that the applicant is requesting that a few items be amended and staff has been evaluating their requests. He noted that the first item involves the

pharmacy building and said that the original pharmacy at the intersection corner of Chandler Boulevard and Rural Road had been approved to contain an Osco drug store and was configured in a landscape setting, where one portion of the building was adjacent to the landscape itself. He said that the applicant is requesting that he be allowed to modify the second configuration to allow parking around the site, but added that they kept it in the spirit of the original approval, which contained a strong "Tuscan" architectural character that was very unique. He informed the members of the Commission that the applicant is requesting permission to reconfigure it on the site and is proposing an Eckerd's drug store with the driveway and parking oriented toward the intersection corner, and the building entrance located on the building's west side. He noted that Staff supports the building configuration change due to the strong "Tuscan" building architecture displayed that incorporates many of the different features used on the other buildings, such as a variety of roof and tower elements, window shutters and awnings. He said that a trellis connection has been added on the pharmacy's north side to provide a pedestrian connection to the hybrid retail building to the north and added that an exit strategy exhibit has been submitted for the pharmacy that describes other potential uses in the event that the building uses change.

Mr. Weworski reported that Staff does not support the amount of building sign modifiers, such as the "drive through pharmacy," "food mart," and "1-hour photo" proposed on the building facades. He added that the approved Osco pharmacy included only a "drive-thru" sign at the drive through canopy. He noted that Staff is recommending a stipulation to limit the sign modifiers on the pharmacy to the drive through canopy to be consistent with the original approved building design.

Mr. Weworski stated that the other component is the multi-family development, the portion on the north side of the site, and advised that this was originally approved for an approximate 200-unit apartment complex and included one, two and three-story building components. He noted the negative reaction that the project received from the members of the neighborhoods located to the north and east of the site. He discussed the applicant's willingness to work with the neighborhood and, as a transitional element, to provide single-story units next to the single-family residential area. He reported that the applicant is proposing that the project change from apartments to "for sale" condominiums, which would be limited to single and two-story units only. He added that the condominiums would also feature attached garages on all the units and stated that Staff supports the proposed change for the condominiums that reduces the density of the site from 16.5 to 10.6 units per acre.

Mr. Weworski also pointed out that Staff does not support the proposed building architecture and said that the original apartment concept featured a real strong "Tuscan" architectural character and many outstanding features. He noted that the condominiums are more conventional in style and do not include many of the features found in the apartment concept. He added that Staff recommends a stipulation that the applicant work with Staff to include additional facade treatments similar to those found on the commercial retail buildings, such as window shutters, awnings and ornamental ironwork.

Mr. Weworski discussed the fact that a central driveway feature (circular driveway) was approved as part of the original zoning that provided a signature boulevard entry into the gated multi-family development on the site's northern portion. He added that a specimen canopy tree at the center of the driveway intersection was to serve as a central focal

point for the project. He noted that outdoor pedestrian plaza and turf areas surrounded the central area and were intended to provide opportunities for outdoor dining and a farmers market.

Mr. Weworski reported that Staff does not support the applicant's proposal to eliminate many of the plaza spaces and features at the central drive. He added that the revised turf area is recessed for storm water retention. He said that the drive area was supposed to be a dynamic central space that provided a seamless connection between the individual uses and allowed vehicular access while encouraging pedestrian activity. He stated that Staff has stipulated that the original drive features should remain or be revised to allow for pedestrian oriented spaces with the turn space "high and dry" without retention.

Mr. Weworski also discussed the office buildings that provide space for medical and general office uses and noted that all five of the buildings are single-story and engaged in a landscape setting along Chandler Boulevard to provide an aesthetic streetscape. He added that the two medical office buildings contain a pedestrian courtyard space between them and said that the three general office buildings are clustered to form a rear parking court area. He noted that a stipulation was added during the rezoning requiring a double row of trees between the medical office buildings with pedestrian access to Chandler Boulevard. He said that the applicant is requesting that the new landscape plan be found to comply with the stipulation because they believe the site does not favor this arrangement of trees. He reported that Staff supports the applicant's request because the normal planting of trees will provide sufficient shade and connection between the buildings.

Mr. Weworski informed the members of the Commission that the applicant is also requesting two additional 5-foot high monument signs for the office buildings along Chandler Boulevard and advised that Staff supports this request due to the scale of the overall project and the low profile signs that are being proposed.

Mr. Weworski discussed phasing and said that the applicant is requesting reimbursement for offsite improvements as they are completed during the construction process rather than waiting until the total completion of the development. He noted that this issue is unrelated to the Planning Commission's authority and explained that Planning Staff will manage this issue in accordance with standard practices and policies. He added that the developer is also requesting that the onsite and offsite landscaping for the office building development occurs during the project's office phases and reported that Staff does not object to the landscape phasing being proposed.

Mr. Weworski also commented on the fact that the applicant has revised the phasing plan to allow more flexibility for the construction of individual buildings. He said they are requesting the ability to construct any single building within any of the phases identified and receive a Certificate of Occupancy prior to the other structures within that phase or other phases being completed or even started. He said in order to be consistent with the City adopted Commercial Design Standards, Staff recommends through a stipulation that a minimum 12,000 square foot building must be developed as part of the first phase of construction.

Mr. Weworski discussed the fact that neighborhood concerns surfaced during the rezoning process that pedestrian or vehicular traffic from the Biagio development may trespass onto the Wildtree neighborhood through Rita Lane. He said that the applicant wants to develop the wall and landscaping along Rita Lane when the development's condominium portion is constructed. He added that Staff is recommending that a stipulation be included that requires the perimeter wall treatment and landscaping along Rita Lane to be constructed as part of the first phase to serve as a privacy buffer from the Biagio development. He reported that the applicant has met with representatives of the adjacent Wildtree subdivision to review the current proposal and there appears to be support for the application, primarily due to the conversion of the apartments to condominiums. He added that as a result, Staff has received a letter stating support for the proposed changes. He noted that to date, Staff has not received any telephone calls in opposition to the application.

Discussion ensued among the members of the Commission relative to this case and the fact that neighborhood opposition centered on the "apartment component" and the massing" of the project (three-story and two-story units).

Chairman Ryan indicated support for Staff's recommendations and said that he liked the different design of the Eckerd Drug Store. He said he would like to hear from the applicant why they made so many changes and said that the original theme was very attractive and appealing.

Additional discussion ensued relative to the fact that the intent has always been to include a "Tuscan" theme; the various components included in the current proposal and the fact that a cohesive design is missing; phasing issues and Staff's understanding that the entire parcel is in the process of or has already been sold to a developer for this condominium development and the fact that individual units would be sold to homebuyers; the fact that Eckerd's is being sold to the Eckerd's Corporation and the fact that the other components, such as the hybrid retail building and the office development, are part of the original developer's ownership agreement; and proposed first phase landscaping.

Scott Schirmer, President of Schirmer Ball Company, the applicant/developer in this case, addressed the members of the Commission. He commented on the fact that the original proposal was extremely controversial and discussed his company's intention to create a project is totally different within the City of Chandler. He noted that his partner's family has owned this particular piece of property for 90 years and said that they were also the developers of the Wildtree residential subdivision, which surrounds this piece of property. He outlined other projects they have been involved in over the years and commented on the fact that the project is not a large one, only approximately 20 acres in size, and discussed difficulties associated with developing something different and unique within such a limited area, particularly when you are talking about condominiums.

Discussion ensued relative to the importance of integrating other uses to ensure that the end result is a "village;" the importance of not segregating each individual component; the fact that the residential multi-family portion of the project has significantly changed during the zoning process; access and timing issues and the applicant's belief that the fence along Rita Lane should not be a requirement in the first phase of the development; the center area of the project and Mr. Schirmer's opinion that enough "hardscape" is

included in the project and his emphasis on "softening" the project and developing places where people can gather that offer relief from the "hardscape" and the heat, such as open grassy areas where children can play; the developer's current efforts to work with a potential restaurant tenant and the tenant's requirement for a patio space next to the "end cap," which would then facilitate a patio onto the green area; the fact that a farmer's market is visualized for that area and retention and the fact that it would not impair the function of that space.

Mr. Schirmer indicated his intention to introduce Rich Barber representing the architectural firm of Todd & Associates, and said that Mr. Barber would discuss Starpoint's proposed development and the stipulations.

Chairman Ryan stated the opinion that although the original proposal represented extensive attention to details, the current proposal does not appear to reflect the same detailing. He asked for input relative to moving away from the originally proposed "Tuscan" style architecture and "village" atmosphere.

Mr. Schirmer addressed the members of the Commission and stated the opinion that the only component that has changed is the residential component. He commented on the significant reduction in density levels between the two proposals and other resulting benefits. He stated the opinion that multi-family could not be developed on this site and without that ability, the project is essentially "dead."

Mr. Barber addressed the Council and discussed the various plans and building details that have evolved; the fact that Starpoint is very committed to residential development and specializes in providing affordable condominiums; cost ranges for the units that will range between \$150,000 to \$200,000; the importance of maximizing value in the marketplace and remaining competitive; Stipulation No. 4 and comparing the current project to the previous submittal and Mr. Barber's opinion that items such as tile, stucco texture, colors, the signage package, material selections, the scale, and character of the project will remain unchanged; attempts on the part of the developer to ensure that the two story buildings maintain some of the tower elements consistent with the retail development; the use of ornamental metal on all of the balconies; and various improvements including the elimination of free-standing garages as well as all of the carports that were included in the original proposal.

Mr. Barber commented on the fact that the current proposal contains smaller building "footprints," and includes larger units with larger, deeper balconies with more recesses and shade. He emphasized the fact that the project has gone from three-story building maximum to two-story building maximum and reiterated density reductions and the fact that the units are "for sale" rather than a transient, "for rent" product. He noted market advantages and ground floor entrances to units with direct access garages. Mr. Barber also stressed the importance of maintaining consistency with the surrounding commercial and retail development.

Chairman Ryan commented on the "unexciting" elevations and expressed the opinion that the overall style of the project is somewhat "contemporary" in nature. Mr. Barber stated that he would term the design as "contemporary Tuscan." Mr. Barber commented on the developer's intention to develop multiple color schemes on all of the buildings with the intention providing "subtle variety."

Vice Chairman Flanders stated the opinion that the project should be part of a Design Review process and said that he is leaning in that particular direction. He stated the opinion that the project appears "crowded" and that more of a "boulevard statement" is needed. He added the opinion that the architectural style itself appears "fragmented" and although there is a definite good start in place as far as the retail shops and the residential associated with that, he believes that participating in the Design Review process is necessary and warranted.

Commissioner Irby concurred with the Vice Chairman's statements and said that the appearance is that four different architects are working on turning out one product. He commented on the lack of design elements such as stonework and shutters, which greatly enhanced the original product, as noted the lack of unique features and cohesiveness.

Discussion ensued among the members of the Commission relative to the fact that the project no longer appears to "tie together;" the benefits that may be realized as a result of participating in a Design Review process; the importance of tying the whole project together; the importance of being sensitive to the "economics" associated with this particular site while still achieving the ultimate goal of designing a unique, attractive, cohesive project; the number of drug stores located within a one and a half mile radius of this site; the fact that the Design Review process and Planning and Zoning review can be "fast tracked" for the benefit of the applicant, and the importance of the "details" included in project such as this.

MOVED BY VICE CHAIRMAN FLANDERS, seconded by COMMISSIONER IRBY, to continue PDP03-0014 BIAGIO (VILLAGE AT WILDTREE) to the August 6, 2003 Planning and Zoning Commission meeting to allow the applicant sufficient time to participate in the Design Review Process prior to further consideration and review by the members of the Commission. MOTION CARRIED UNANIMOUSLY by those present.

6. DIRECTOR'S REPORT

There was no Director's Report at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting will be held on July 2, 2003 at 5:30 p.m. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 South Delaware Street.

8. ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

Phil Ryan, Chairman

Doug Ballard, Secretary

MINUTES OF THE JULY 2, 2003 PLANNING AND ZONING COMMISSION MEETING OF THE CITY OF CHANDLER, ARIZONA, held on July 2, 2003 in the Council Chambers, 2nd Floor, Chandler Public Library, 22 South Delaware Street.

Chairman Ryan called the meeting to order at 5:40 p.m.

2. Pledge of Allegiance was led by Commissioner Flanders.

3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Mr. Rick Heumann	Mr. Brett Anderson
Ms. Jeanette Polvani	

Absent & Excused: Mr. Mark Irby

Also Present:

Mr. Thomas Ritz, Planner
Ms. Jodie Novak, Planner
Ms. Ashley Bailey, Planner
Mr. Bob Weworski Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES:

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER ANDERSON, to approve the minutes of the Regular Meeting of June 18, 2003 as presented. MOTION CARRIED UNANIMOUSLY by those present (5 to 0).

5A. CONSENT AGENDA:

CHAIRMAN RYAN recommended that Agenda Items D, E, G and H be approved on the Consent Agenda as follows:

***D. PDP03-0009 PASEO TRAIL PARCEL "C" (CRESLEIGH HOMES)**

APPROVED, a request for Preliminary Development Plan approval for the housing product on 75 lots on approximately 34 acres located northeast of the northeast corner of Queen Creek Road and Gilbert Road. (Applicant: Wade Kempton, Cresleigh Homes Arizona). The site is located on a portion of the eastern end of the Paseo Trail subdivision. The south side is going to be developed by Greystone Homes while the west side is currently under construction by Cresleigh Homes. Paseo Trail, currently called

Lennar/Metropolitan 130, was rezoned to PAD with PDP approval for the subdivision design in January 2001. (Original Zoning conditions are contained in Ordinance No. 3215.)

The Cresleigh product meets the updated Residential Development Standards, including all nine required standards and eight of the optional standards and four-sided architecture is emphasized. Staff, upon finding consistency with the General Plan and previously approved Planned Area Development zoning, recommends approval of the Preliminary Development Plan for housing products subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3215, in case PL99-061 LENNAR/METROPOLITAN 130, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development, entitled "Paseo Trail Parcel C" kept on file in the City of Chandler Current Planning Division, in File No. PDP03-0009, except as modified by condition herein.
3. The same front elevation shall not be built on adjacent or opposite lots.
4. Staggered front and rear building setbacks for adjacent house locations shall occur throughout the entire subdivision.

***E. PDP03-0012 AUTOMOTIVE DIAGNOSTIC SPECIALTIES**

APPROVED, a request for Preliminary Development Plan (PDP) approval for 2.27-acre site layout and building architecture for an automotive service business located at 6815 West Chandler Boulevard. (Applicant: Dieterich Architectural Group.) The site is located at the SEC of Chandler Boulevard and the Union Pacific Railroad and was granted approval for PAD zoning for automotive and industrial uses as Future Parcel II of the Complete Auto Body development in July 1996. Automotive Diagnostic Specialties has been in operation at 513 North 54th Street, Suites 2, 3 and 4, for approximately eight years by Use Permit within a Planned Industrial (I-1) zoned district. The primary business is the diagnostics and repair of automotive computer systems, as well as providing complete automotive repair. The applicant is looking to permanently locate his business, which has a repair volume of 10 cars per day and anticipates a 20% growth per year at the proposed location.

Staff, upon finding consistency with the General Plan and PAD zoning, recommends approval subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2674, in case PL96-0092 COMPLETE AUTO BODY.

2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Automotive Diagnostic Specialties" kept on file in the City of Chandler Current Planning Division, in File No. PDP03-0012 except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. All vehicle servicing and overnight storage of vehicles awaiting servicing shall occur within the building or in the secured parking area located behind the building.

G. UP03-0010 TACOS Y MARISCOS LA SIRENITA

APPROVED, a request for Liquor Use Permit approval to sell liquor (Series 12 Restaurant License) within an expanded area at an existing restaurant. The expanded area of the restaurant will be located at 961 West Ray Road (SEC of Alma School and Ray Road). Applicant: Nanette Zendejas, Zendeja Business Services; Owner: Michael Pollack, Alma Ray Central Center LLC. Approval will allow the applicant to sell all types of liquor for on-premise consumption only in conjunction with the expansion of an existing restaurant. The Tacos y Mariscos la Sirenita restaurant currently occupies Suites 3 and 4 of the Alma-Ray Plaza and has been at this location since June 8, 2000.

This application proposes expanding the existing 1,820 square foot Mexican and seafood restaurant by leasing the adjacent 910 square foot space (Suite 5). This suite is currently a jewelry and record store owned by the restaurant owners. The total floor area of the restaurant after expansion, including kitchen, storage, coolers, restrooms and dining will be approximately 2,730 square feet with a seating capacity of 72. The additional space will be used for booths and a bar with bar stools and the owner estimates that alcohol sales will be approximately 20 percent of total sales. The restaurant's hours of operation will continue to be 9 a.m. until 9 p.m. 7 days a week. The new Use Permit will be used in association with the premise expansion for a Series 12 liquor license and will apply to the total area of the combined suites. The request was noticed in accordance with the

requirements of the Chandler Zoning Code. To date, Staff has not received any telephone calls or letters from any neighbors regarding this request.

Staff, upon finding consistency with the General Plan and adopted Community (C-2) zoning, recommends approval subject to the following conditions:

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the proposed floor plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. No alcohol sales shall be carried on outside of the building.
5. Decibel levels of recorded or live music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Alma-Ray Plaza shopping center.

***H PPT03-0002 WINDMILL SQUARE**

APPROVED, a request for Preliminary Plat Approval for a commercial and residential subdivision located on a 15.63-acre site located at the NEC of McClintock Drive and Ray Road. (Applicant: Carter-Burgess.) This plat is for a mixed-use development including a retail pad, offices and residential. The development will include a CVS drug store, retail, restaurant, general office and a residential development. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required right-of-ways.

Staff recommends approval subject to the following stipulation:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

MOVED BY COMMISSIONER FLANDERS, SECONDED BY COMMISSIONER POLVANI, to approve Consent Agenda Items D, E, G, and H, as presented. MOTION CARRIED UNANIMOUSLY by those present (5 to 0).

5B. ACTION ITEMS:

A. DVR02-0045 CROSSROADS TOWN CENTER

Planner I Jodie Novak explained that this item involves an application for a regional commercial center to be located at the NWC of Gilbert and Germann

Roads, on the south side of the future (Loop 202) Santan Freeway. She stated that the project is currently zoned Agricultural (AG-1) and the applicant is requesting that it be rezoned to Planned Area Development (PAD) for a commercial center including Large Single Use Retail with Preliminary Development Plan (PDP), which will allow both Neighborhood and Community Commercial District uses (C-1 and C-2). She discussed the Preliminary Development Plan (PDP) that is part of the request and said that the PDP establishes a set of design guidelines establishing the commercial center site layout and architectural design. She added that the design guidelines also establish the criteria that will conform to the commercial design guidelines for this property.

Discussion ensued relative to the fact that the site is approximately 82 acres with a maximum building area of 700,000 square feet; the fact that the project design can accommodate up to 3 large Single Use Retailers and major anchor tenants will range in size from 15,000 square feet to 250,000 square feet in size and there will be retail shops ranging from 6,500 to 15,000 square feet; the fact that the property contains multiple pads, including banks and restaurants and/or gas stations as well as drive-through type uses.

Ms. Novak reported that the site is located within the Chandler Airpark Area Plan and is designated as Commercial/Office/Business Park and regional commercial-type uses. She added that the proposal conforms to the area plan as well as the City's General Plan in terms of having this as a major regional commercial core on the east end of the City. She noted that the center is part of a larger planned commercial development, Crossroads Towne Center, and added that an additional 73 acres of commercial development is in the Town of Gilbert, east of Gilbert Road. She said that the Vestar Company will be coordinating the design of the Chandler and Gilbert site together.

Additional discussion ensued relative to project criteria including rooflines, different types of stone veneer, colonnades and seating areas, entry areas, the development's site features, which include shaded pedestrian walkways and amenities, development entrances, and access.

Ms. Novak noted that during previous Planning and Zoning Commission Study Session discussions, issues have been raised relative to the height of the proposed freeway monument signs, the fact that there are tenant name monument signs located throughout the site, a grouping of pads along the arterial streets, a string of loading bay areas on the north side of the property adjacent to the freeway, extending some of the landscaped medians and pedestrian pathways at certain locations into the property as well as making sure there are some substantial corner intersection treatments both at the freeway as well as at Gilbert and Germann Roads. Ms. Novak said that Staff is proposing four additional stipulations for consideration in addition to the 17 stipulations listed in the Staff Report, namely 18, 19, 20 and 21 and explained that the applicant agrees with three of those additions but would like to discuss one of them with the members

of the Commission. She read the proposed added conditions into the record as follows:

(18) Loading docks and bays visible from the Santan Freeway, the freeway's entrance and exit ramps at Gilbert Road shall be screened from view by recessed design and/or screened walls; (19) The applicant shall work with Staff to group or cluster pads throughout the site where possible and group tenant names on monument signs where pads are grouped. (Ms. Novak said that this is the stipulation that the applicant wishes to discuss with the Commission.) (20) At the two main entrances located at the median cut at Gilbert Road and the Cooper Road alignment at Germann, landscaped medians shall be extended to the end of the corner pad and at the termination of the landscaped median and enhanced pigment features shall be added and (21) Provide a landscaped intersection feature at the southwest corner of Gilbert Road and the Santan Freeway, similar in character to that being provided at the northwest corner of Gilbert and Germann Roads.

Ms. Novak advised that Staff supports the proposed land use and the conceptual preliminary development plan that establishes the site design and architectural guidelines that will be worked on with Staff throughout the development of this project. She added that Staff also supports the added four conditions which now result in a total of 21 stipulations for approval.

In response to a question from Chairman Ryan, Ms. Novak said that the applicant does not support the grouping of the pads and would also like to discuss other items that relate to some of the landscaping.

Chairman Ryan thanked Ms. Novak for her comments and asked Mr. Ralph Pew, with the firm of Pew and Lake PLC, who is representing the applicant, to present his remarks.

Mr. Pew, 10 West Main Street, commented that representatives from both Vestar Development Company and the Butler Design Group are present to respond to questions from the Commission. He said that they agree with Staff's report and the analysis that has been presented and concur with stipulations 1 through 17, as well as added stipulations 18, 20 and 21. He discussed concerns relative to a "spine" road that goes through the middle of the project and said that Commissioner Anderson previously raised question/concerns that had to do with traffic circulation. (He referred to diagrams displayed in the Council Chambers and discussed this matter.) Mr. Pew stated that from their design point of view, the road was designed in such a way that on the south side there are very few parking aisle penetrations for conflicts with the spine aisle and provided additional justification for allowing the proposal to remain in place.

Mr. Pew also discussed signage and said that a number of questions were raised about this matter during the Study Session and said that the applicant agrees with Staff's analysis concerning other sites in Chandler as to the height and the panel availability on those signs. He noted that they are requesting 60-foot pylon signs along the freeway, which is typical of other signage that has been approved at freeway locations in Chandler. He added that the total amount of area "faced" on the signs could be divided into four or five panels or perhaps even nine panels and again emphasized that the request is a standard one and very typical.

Additional discussion ensued relative to the requested height of the monument signs (20 feet) on the site and justification for the added height in order to provide visibility; the lack of negative impacts as a result of the added height; the "long stretch" of building frontage along the north side of the site and integrating large, single-use retail projects into that design; "cluster of pads" as reflected in proposed stipulation #19, which requires that when the final site plan is developed on this site that the pad users are somehow "clustered together" to the extent possible; the applicant's request that stipulation #19 be deleted and the applicant's opinion that "clustering" has already occurred to the greatest extent possible; negative impacts of attempting to further "cluster" the project; the fact that pads have been located on either side of an entry into the center; and the applicant's belief that the only possible place where additional pads could be "clustered" is in an area that would absolutely destroy the parking field for certain users. He again requested that this condition be eliminated.

Mr. Pew also addressed concerns that have been raised relative to drive-through restaurants and potential gas stations on the site and urged the Commission not to adopt a condition that would limit the number of those based on the fact that the site on the north is bounded by the freeway and added that on the south side an "end of runway" condition exists. He added that if a location ever existed where more intense vehicular oriented uses could exist, this is the site.

Chairman Ryan thanked Mr. Pew for his input.

Commissioner Flanders discussed the "clustering" of the pads and said that the reason he requested that Staff prepare a stipulation regarding this issue was to create something within the 82-acre center that was somewhat unique. He added the opinion that something similar was done on the Gilbert side and said he wanted it to occur in this area as well. He emphasized that the stipulations says "where possible" so some flexibility is built in and he believes every effort should be made to work with Staff and pursue possibilities.

Mr. Pew responded that the area on the Gilbert side that has a "cluster" is at the main entrance off of Gilbert Road where the median break is and added that the reason why pad users are "clustered" at that location is because on the Gilbert site plan there is significant depth from Gilbert to the main shops to the east and it is a

much different situation than what they are talking about on the Chandler side. Mr. Pew stated that to the extent possible the applicant will work with Staff to address Commissioner Flanders' concern.

Commissioner Heumann also commented on stipulation #19 and spoke in support of developing more of a unique "village type" project and the importance of working with Staff to develop a safe project that "flows." He added that he was thinking more of an entertainment complex in the middle of the center. He said that now that stipulation #14 has been clarified, he is satisfied with that issue.

In response to a question from Commissioner Heumann relative to monument signs, Ms. Novak advised that the City of Chandler's Sign Code allows up to two tenant panels per monument sign and the applicant is requesting four panels. She said that the request is consistent with previously approved signage at other similar centers.

Additional discussion ensued relative to freeway signage and the fact that their design differs from monument signs and serves different purposes as well; Commissioner Heumann's support for directing the applicant to go back and work with Staff on various signage issues, including quantity; the fact that the project will be 80+ acres in size and the applicant's belief that the placement of significant signage is imperative.

Mr. Rick Butler, with the Butler Design Group, addressed the members of the Commission and described the signage, materials and construction features as shown on Exhibits #22/#23 in the materials submitted to the members of the Commission. He also discussed "color boards" and agreed that sign consistency within the center is important.

Chairman Ryan asked if there were any members of the audience who would like to speak on this item. There being none he asked for additional input from the members of the Commission.

Chairman Ryan suggested that if major issues exist regarding the signage package, that the Commission vote on recommending that the project go forward but place this particular component aside for the time being to allow the applicant and Staff additional time to address issues of concern. He added that this matter could then be addressed at a later date if the Commission wanted to review.

Commissioner Heumann concurred with the Chairman's recommendation.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER FLANDERS, to recommend to the Council that DVR02-0045 Crossroads Towne Center be approved, subject to the 17 Stipulations contained in the Staff report and the 4 additional Stipulations (18, 19, 20 and 21) recommended by Staff and previously listed, and that one additional Stipulation

(#22) be included, requiring the applicant to continue to work with Staff on the sign package and that additional recommendations and input be presented to the Commission relative to this matter at a future meeting.

In response to a question from Commissioner Heumann, Ms. Novak stated that if the Commission would like to recommend that the sign package be brought forward at a future time, a separate Preliminary Development Plan application would be required unless the entire case is continued. She stated the opinion that the Commission cannot continue just a portion of the proposal.

Mr. Pew said that the applicant would like to avoid having to file two separate PAD's and added that if a majority of the members of the Commission feel strongly about the signage and want to impose certain restrictions on this case, the applicant would prefer that this occur this evening and that the PAD be adopted. He explained that their concern is that coming back to address signage issues would constitute an amendment to the current PAD but added that if this is not the case, then they would not be concerned.

In response to questions from members of the Commission, Assistant City Attorney Glenn Brockman commented that Staff is advising that at worst they are talking about an amendment to the PDP not the PAD, not the zoning.

Mr. Pew said he agreed with that clarification and just wanted to make sure they were all headed in the same direction.

Ms. Novak stated that based on Commissioner Heumann's comments, the sign package should come back as a separate new application to be filed with the Planning Department and would be a PDP that would proceed through the Planning Commission and City Council. She added that the PAD zoning and the PDP for the site design and architectural exhibits would move forward right now through the process and be presented to the City Council and only the sign package component would "stay back."

Mr. Pew clarified that the Commission can then vote to approve the PAD and PDP without signage and then the signage component will be applied for separately. Ms. Novak concurred.

Chairman Ryan stated that the Commission has a motion before them to approve the PAD with zoning stipulations 1 through 21 and to remove the entire signage component from this proposal and the signage package will then be brought forward as a separate item at a later date for further review and consideration.

Principal Planner Bob Weworski recommended that the condition for the sign package, Stipulation #22 be added to read "a separate comprehensive sign package shall be reviewed under a separate PDP application."

COMMISSIONER HEUMANN, the original maker of the motion, and COMMISSIONER FLANDERS, agreed to the proposed revisions to the motion.

MOTION CARRIED UNANIMOUSLY by those present (5 to 0).

Mr. Pew thanked Chairman Ryan and the members of the Commission.

B. DVR02-0026 CHUPAROSAS

Principal Planner Bob Weworski addressed the Commission relative to this agenda item and said that this is a request for an Area Plan Amendment, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD Mixed Use) for a mixed use development with Preliminary Development Plan (PDP) and Preliminary Plat. He noted that the 40-acre site is located on the SWC of Dobson and Germann Roads. He explained that the request is for mixed use development that would include commercial/retail and office development, a church and educational center and a multi-family apartment complex. He added that the land use has been mandated by the Section 7 Area Plan, which currently allows for multi-family land use on this particular site. He explained that the applicant is requesting that the Area Plan be amended to decrease the amount of multi-family and to include both the commercial as well as the institutional use for this particular site. He noted that the proposed uses are in a "village-type" concept and integrated together through the use of a pedestrian walkway system, a driveway system, and landscaping that inter-connects all of the uses. He added that the site is located directly north of the City park Chuparosas, which is currently under construction to the south and added that the Motorola campus is located southwest of the site. He noted that the applicant is also proposing to inter-connect this area through an extensive trail way system.

Mr. Weworski noted that Staff is recommending approval with conditions and commented on the integrated village concept, the common architectural features displaying a "Spanish Mission" style theme, and architectural characteristics. He also discussed the proposed commercial retail and office development and said that the development primarily for the retail is single story pads and noted that office development is included on the second floor of the commercial development.

Discussion ensued relative to the fact that the applicant is proposing to construct 258 apartment units, which include 1, 2 and 3-bedroom units and lofts, the fact that the buildings are two-story in height with a combination one and two story buildings along Dobson Road, the fact that the overall density of the multi-family development is 17.1 units per acre, vehicular access and the fact that a gated entry is planned at Dobson Road.

Mr. Weworski advised that as of the time the Staff Report was written, one phone call in opposition to the project had been received. He added that two

neighborhood meetings have been held and, in general, the neighbors appeared receptive to the application and support the decrease in the overall density level. He said that if they had their preference, the neighbors would support eliminating the multi-family (apartment use) altogether. He added that since the report was written, Staff has received numerous e-mails to the effect that some of the neighbors oppose the application, primarily due to the residential, multi-family apartment use. He added that the residents believe that single-family development would be a more appropriate use for this site. He noted that some of the residents support the proposed commercial development and others are opposed to the commercial/retail development. He commented that the applicant has received a letter from representatives of the nearby Motorola campus stating that they are not opposed to the project.

Mr. Weworski briefly outlined the proposed comprehensive sign package and noted that there will be three freestanding monument signs along Dobson Road as well as freestanding monument signs along Germann Road. He added that the majority of the tenant signs will consist of reverse pan channel or individual pan channel letters with internal neon illumination and non-illuminated extruded letters. He said that the monument signs for the apartments and church are anticipated to be stone signs with ground mounted indirect illumination. He advised that it is his understanding that the applicant is proposing a slight amendment to the proposed CVS pharmacy building that will reduce some of the signage on the building and help mitigate some problems.

Mr. Weworski reported that at the Study Session issues were raised regarding landscaping and that it should be in conformance with the Commercial Design Standards for arterial streets and the applicant has agreed to this condition. He said a stipulation could be added to the effect that all of the arterial landscaping shall be in conformance with the Commercial Design Standards. He advised that the applicant has also submitted a "strategy plan" for the possible reuse of the pharmacy building in case that use potentially changed in the future.

Additional discussion ensued relative to project phasing and the fact that the development of the pharmacy would be part of Phase I and access to the apartment complex.

Mr. Weworski advised that Staff is recommending approval subject to the stipulations contained in the Staff Report.

In response to a question from Commissioner Heumann, Mr. Weworski explained that the General Plan identifies in a general sense that this area is categorized as "low density residential" and said it is also mandated by the Section 7 Area Plan that the entire area is "multi-family."

Commissioner Heumann commented on the fact that the proposal represents a less intense use in terms of what is being planned and noted that it could all be multi-family.

Commissioner Flanders asked whether the applicant had agreed to additional stipulations that were previously discussed such as an enhanced design feature for the church and additional feature areas on commercial and the clubhouse "stone" materials.

Mr. Weworski said that Staff has discussed these issues to some degree with the applicant and advised that they are flexible on the church to the degree that a stipulation could state that Staff will work with the applicant to provide further features that would be compatible with the commercial retail use. He also commented on the stonework and said they are also "open" to the idea that some could be incorporated into certain features on all of the uses.

In response to a request from Chairman Ryan, City Traffic Engineer Paul Young stated that through the Dobson Road Improvements, which are currently under design, discussions have occurred with Mr. Dugan of Dugan's Dairy and Staff had agreed to provide a left turn access at the southern driveway shown on the east side of Dobson Road. He explained, however, that providing that access would eliminate the ability to provide a northbound left turn.

Chairman Ryan commented that the northbound traffic could turn left into the main entrance of the apartment project and there wouldn't be any left turn egress out. Staff referred to diagrams and charts displayed in the Council Chambers and further discussed access issues.

Discussion ensued relative to "car stacking" and the fact that up to five cars could be accommodated according to the plan; the agreement with Mr. Dugan, the possibility of realigning the main entrance with the Dugan's driveway or placing the main entrance at the location for the driveway for the commercial portion; and possible options staff could look into to address traffic/access concerns.

Mr. Mike Perry, 34384 North Goldmine Gulch, Queen Creek, Whitneybell Architects, presented a brief overview of the project. He introduced members of his team present in the audience and noted that the property owners have owned this parcel since 1979. He reiterated comments previously presented by Mr. Weworski relative to zoning, Area Plans and density levels and noted that the current project will result in significantly lower density levels than what could possibly come forward for this site in the future.

Mr. Perry referred to slides/charts/drawings displayed in the Council Chambers and noted that there are actually portions of the project where the park comes into the multi-family site and is very aesthetically pleasing.

Discussion ensued relative to the orientation of the commercial buildings and the fact that they parallel the major arterial streets; project amenities including substantial landscaping; an integral screen wall that surrounds the entire project; the landscaped pedestrian area, the placement of the large soccer field and play area behind the project in an effort to open up the space to the park and provide an important buffer for Motorola; the creation of extensive pedestrian spaces including plaza areas; consistent color patterns that exist throughout the project; neighborhood meetings that were held and follow-up information that was sent out to some of the neighbors who requested same; the fact that the Clemente Homeowners' Association requested a follow-up meeting and one was conducted to address specific issues and respond to questions from the audience; and efforts expended by the applicant to notify all of the neighbors that the case would be discussed this evening.

Mr. Perry also discussed the significant number of new jobs that will be created as a result of the project and urged the members of the Commission to recommend to the Council that the project be approved. He indicated his willingness to respond to additional questions from the Commission and members of the audience. He added that the applicant does agree to the stipulation commented on previously by Commissioner Flanders and said that they came up with a stipulation (with Commissioner Heumann's assistance) relative to a "rotating sign" on one of the tenant monument signs. He said that hopefully Staff will develop language for a stipulation that addresses that issue.

Commissioner Heumann commented on the bus bay on Dobson Road and asked whether there are any plans for a bus canopy or shelter. Mr. Perry responded that they are willing to work with Staff on this issue. Commissioner Heumann also discussed the median cut and concerns relative to the lack of access to the facility coming from the south. He asked if anything could be done to include a left hand turn into there. Mr. Perry said that at one point they looked at moving the main entry to the south but it didn't work from a site plan standpoint. He added that they would be happy to work with the Engineering Staff to see if there is some way that they could modify the design at the main entry where they now have the "residents only" entry. He said that perhaps that could be reconfigured to allow for a "full-blown entry" to occur. He added, however, that he would also like to work with Staff on the possibility of putting the left turn lane in at the current location.

Chairman Ryan thanked Mr. Perry for his presentation.

Chairman Ryan announced that slips both in support of and in opposition to the project have been submitted and he would like to acknowledge them at this time. He added that anyone who has indicated that they would like to speak on the issue will also be provided an opportunity to do so.

The Chairman stated the following:

John Kane does not wish to speak but has written that he appreciates the efforts the City is expending on this project and is in support of the project.

John Warf does not wish to speak but has written that he is a new homeowner in the area and believes that the project will enhance the community and is support of the project.

Janet Kane does not wish to speak on this item, did not write any comments but checked the box that she supports the project.

Timothy Casey is opposed to this item and wishes to address the members of the Commission.

Timothy Casey, 1473 West Thompson Way, said he lives in close proximity to the proposed project and serves as President of the Vineyards Homeowners' Association, which consists of 421 homes. He said that he is authorized to speak on behalf of the Association and also has letters of support from the Pecos Ranch and Brittany Heights Homeowners' Associations. He stated that he is appearing before the Commission this evening to request that they vote in opposition to the project and expressed concerns relative to the consequences and negative impacts of projects such as this on neighboring communities. He advised that the Vineyard's Board of Directors as well as a majority of the members strongly oppose the apartment and retail components of the project and believe that the project is inappropriate for this location. He noted the opinion that the project adds 258 apartments to an area already saturated with high-density housing and added that approximately 700 units are about to open just one mile away on Pecos and 250 more are planned just to the west of this particular property.

Mr. Casey also expressed concerns relative to decreasing property values, traffic, neighborhood safety and the importance of protecting and enhancing the neighborhood. He added that drugstore strip malls are located on nearly every corner in the City, are not sustainable development and urged the Commission to take this into consideration. He said that they have not seen any evidence to support the employment projections that have been presented and, in fact, stated the opinion that projections should be significantly lower. He emphasized that the group is not "anti-development" and realize that the land cannot remain as it is but they welcome development that preserves their property values and enhances their life style. He requested that only single-family homes be developed and much more diverse light office and retail space.

Mr. Casey said that the Staff Report incorrectly states that only one homeowner has voiced opposition to the project and that the neighborhood meetings were generally positive. He stated the opinion that this was not their finding and that most of the homeowners who attended the Open House last month were in fact opposed overall to the project and they have video tape attesting to this.

Chairman Ryan thanked Mr. Casey and everyone he represented for their interest and comments.

Additional discussion ensued relative to employment statistics/projections; the fact that Mr. Casey does not represent Pecos Ranch or Brittany Heights but does have letters of support from them; the fact that multi-family housing has been planned for this area for an extremely long time; the fact that whether or not residents support apartments, the project itself is a quality project; the percentage of apartments to single-family homes in the City of Chandler and the fact that currently multi-family housing represents approximately 23% of all the housing in the City;

The Chairman said that the following citizens also submitted slips regarding this issue:

Mike Gammon, 1493 W. Thompson Way, commented that the density levels in Chandler are "too high and growing too fast. He indicated opposition to this case and agreed that the Staff Report contained an inaccuracy and he went on record (by proxy) at the Open Meeting that he was opposed to the project. He said that he communicated with approximately 10 to 12 other residents and they too are against the project. He said that he strongly opposes the multi-family apartments and the pharmacy and urged the Commission not to allow the project to move forward.

Dwight Thayer had already left the meeting but indicated in writing that he is opposed to the item. He did not list any specific comments.

Wes Lines did not wish to speak on this item but wrote that he believes the project to be very well planned and he supports it.

Walter Baines did not wish to speak on this item but wrote that the project represents a good integration for the site and will meet diverse needs that exist. He said he is in support of the proposal.

David White did not wish to speak on this item but wrote that he supports the project and believes the proposed use will block the view of the industrial (Motorola) site from nearby residences and provide useful, convenient, nearby services. He added that the multi-family component should help provide security/visual observation to the park.

Dusty Line did not wish to speak on this item but wrote comments in support of its approval based on his opinion that the plan will integrate the best possible use of the site with surrounding uses and provide convenient, attractive "connections." He added that the proposed multi-family component is upscale and will reduce density levels.

G.R. Langston did not wish to speak on this item but wrote that he supports this development plan.

There being no additional speakers or slips, the Chairman asked for comments from the audience and/or members of the Commission at this time.

Jason Morris, representing the applicant, addressed the members of the Commission and stated that it has been his pleasure to work with Mr. Perry and the Staff of Whitneybell on this project. He brought up comments relative to "inaccuracies" that exist in the Staff Report and said that the neighborhood meeting was held adjacent to the site and in an Open House format. He explained that members of the public toured a number of "easel stations" containing information, graphs, and charts relative to different portions of the project. He clarified that the members who came into the church during the 3.5 hours that they were there were generally in support of the project. He added that as Staff pointed out, individuals had specific issues with specific parts of the project, particularly the multi-family component, and said he believes Staff's comments are accurate and reflective of what took place at that meeting.

Mr. Morris noted that both the multi-family component and the retail component received a tremendous amount of support, specifically among those who had an opportunity to review the plans and elevations of what was proposed versus the existing area plan. He stated the opinion that employment projections are accurate and the project will enhance, not detract from, the area. He said he does not believe that a correlation exists between multi-family housing and property values and pointed out the fact that a quality project with a lower than what could be allowed density level is a plus, not a minus. He also discussed statistics relative to this issue and noted that HUD and the Census Bureau prepares an annual report on the impact of multi-family development and their conclusion year after year is that there is no discernable difference between single-family home developments and other properties adjacent to multi-family and those not adjacent to multi-family.

Additional discussion ensued relative to the quality of the overall project, the positive impacts it will have on the entire area, the applicant's willingness to work with Staff and the efforts that have been expended to address neighbors' concerns. Mr. Morris asked the Commission to recommend to the Council that the project be approved.

In response to a question from Commissioner Heumann relative to the sign package and colors, Mr. Perry said that this issue was discussed and, referring to an e-mail he had in his possession, read the following into the record that he said the applicant was willing to abide by:

- * Final approval of the signage is subject to the terms and conditions of the City of Chandler Sign Code.
- * Final approval of signage on the balance of the retail center (excluding CVS signage) would be subject to approval by Armstrong Properties, Inc. or an agent approved by Armstrong Properties, Inc.
- * No exposed neon or flashing bulbs permitted to be used in any signage.
- * All non-corporate tenant signage shall be internal, indirect lighting utilizing a dark weathered steel or color to match dark weathered steel.
- * Corporate tenant signage shall be pan channel, internally illuminated or reverse pan channel with internal indirect lighting and subject to approval by Armstrong Properties, Inc. or an agent approved by Armstrong Properties, Inc.

Mr. Perry explained that the last item is just to provide some measure of flexibility and in general most of the signage within the entire retail center will be the same color.

- * Corporate logos, such as Starbuck's and other similar companies with logos, would have to have the bronze sign but the corporate logo could be whatever color they typically use.

He suggested language to the effect that logos are permitted on any sign subject to approval by Armstrong Properties, Inc. or an agent approved by Armstrong Properties, Inc. and shall be limited to 25% of the area of the actual sign allowable area.

Commissioner Heumann asked if the potential exists for drive throughs A and E to be built without the rest of the center being built. Mr. Perry noted that drive through E is actually part of the shops F space so if that were to be built the entire shops space would have to be built. He added that as far as drive through A, it is likely that it will be built in the first phase.

Additional discussion ensued relative to phasing and the submission of reuse plans for pharmacies such as CVS in the event the business ceased to exist; and concerns relative to phasing and drive-throughs.

MOVED BY COMMISSIONER HEUMANN to recommend to the Council that DVR02-0026 CHUPAROSAS be approved subject to the existing 12 stipulations contained in the Staff Report in addition to the following stipulations:

13. That the application/case file contain the reuse plan.

14. The applicant will work with Staff and the Engineering Department to allow a left-hand turn only coming from the south.
15. Staff will work with the applicant to allow one monument tenant sign to be used on a rotational basis.
16. No banner signs on the project.
17. The applicant will work with Staff on the bus bay on Dobson Road.
18. If a drive-through is to be built, then shops have to be built as part of the phasing-in.

COMMISSIONER FLANDERS seconded the motion.

COMMISSIONER FLANDERS stated that additional stipulations previously discussed should also be read into the record.

Mr. Weworski stated the opinion that the additional stipulations would be:

19. The applicant will work with Staff to provide additional stone materials on selected features on different uses throughout the site.
20. The applicant will work with Staff in regard to design features at the church area (north elevation).

COMMISSIONER HEUMANN, the maker of the motion, and COMMISSIONER FLANDERS, who seconded the motion, agreed to the additional stipulations.

COMMISSIONER HEUMANN briefly discussed Stipulation #15 and anticipated positive impacts. He thanked the applicant for working with the City on this issue.

MOTION CARRIED UNANIMOUSLY by those present (5 to 0).

(Chairman Ryan declared a brief recess at this time and the meeting shortly reconvened.)

C. DVR02-0038 GYM TIME

Planner I Kevin Mayo addressed the Commission relative to this agenda item and advised that this is a request for rezoning from Planned Industrial District (I-1)/Planned Area Development (PAD) Overlay to PAD for a 31,663 square foot children's gymnastics center, along with Preliminary Development Plan approval. He noted that the site is approximately 3.2 acres in size and located at 3705 West Commonwealth Avenue. He noted that the current PAD Overlay on the I-1 zoned

property was approved in 1987 as part of the Chandler Commerce Center and said the parcel was designated as a "transitional use" allowing for offices, residential and community service institutions such as churches or a YMCA.

Mr. Mayo advised that Staff's opinion is that the proposed use constitutes a "transitional use" although it does not fit into the existing PAD Overlay. He added that Staff has worked with the applicant for over six months to mitigate the visual impact of the proposed 33-foot high structure and discussed extensive efforts that have gone into improving the overall aesthetics of the facility and limiting negative impacts on surrounding areas. He added that the base color palette was chosen to relate to the surrounding neighborhoods while more vibrant colors will be used at the entrance to appear more inviting to children and will be used on building portions not visible to the surrounding neighborhoods.

Mr. Mayo reported that three neighborhood meetings were held and neighbors from the surrounding Hearthstone community expressed concerns regarding potential traffic impacts, the visual impact of the tall building at the Hearthstone Way intersection, the potential for pass-through traffic within the neighborhood, and the building's color palette. He added that the neighbors do not view the proposed use as an appropriate transitional land use in their neighborhood.

Mr. Mayo noted that the applicant has responded to those concerns by relocating the main entrance to Commonwealth Road to discourage pass-through traffic, provided a perspective rendering to accurately depict the visual impact of the building and performed a traffic study to evaluate the traffic impact. He added that Staff finds the proposed use to be an appropriate transitional use to the surrounding neighborhoods from the Chandler Fashion Center. He said that the applicant performed a traffic study to evaluate the traffic impact upon the existing neighborhood and North Hearthstone Way and it was determined that the addition of Gym Time will have a negligible effect upon the existing street system.

Mr. Mayo noted that Staff has been made aware of the fact that a petition has been filed in the Clerk's Office in opposition to this case, however, Staff has not had the opportunity to review the petitions to determine whether it constitutes a legal protest. He added, however, that Staff will pursue this issue and the matter does not affect this hearing.

Mr. Mayo noted the challenges that the parcel presents, spoke in support of the efforts expended by the applicant and stated that Staff recommends approval subject to the listed stipulations.

Chairman Ryan stated the opinion that the land use is appropriate but said that architecturally he is not pleased with the building. He added that it appears much too large in view of its close proximity to residential development.

In response to a request from Commissioner Heumann, Mr. Mayo explained what constitutes I-1 uses.

Commissioner Flanders referred to stipulation #6 and Mr. Mayo advised that the "boiler-plate" stipulation was added in case changes occur in the future and to ensure that if a median opening is developed, it will meet all City standards.

Bob Winton, Winton Architects, 4222 North 12th Street, Phoenix, representing the applicants, Scott and Dona Barclay, discussed extensive efforts that have gone into addressing concerns to ensure that negative impacts on surrounding neighborhoods were minimized. He advised that the uses that will occur within the building require a minimum height of 22 feet based on gymnastics activities and added that the proposed building is currently 4 to 5 feet lower than what was originally proposed.

Discussion ensued relative to the fact that three neighborhood meetings were held; concerns and efforts expended and changes made to address the various issues.

Mr. Scott Barclay, the applicant in this case, addressed the Commission and introduced his wife Dona. He said that they are very excited about the project and have been searching for the right location for a number of years. He discussed an existing program in Tempe that he currently operates and reported that the gym has done quite well. He commented on the positive aspects of the proposed location and added that the program is all about "kids in the community." He expressed the opinion that the facility will be one of the premier places in the country offering a quality facility and quality programs. He said that every effort has been made to lower the height of the building but explained that gymnastic activities involve height and added that they intend to actually dig their trampolines into the ground in an effort to keep the building as low as possible.

In response to a question from Commissioner Anderson, Mr. Barclay said that in order to conduct their activities, they need a minimum of 28 feet clear height. He said that although the entire structure does not need to be that height, at least half of it does. He also commented on the two-story element and said he does not believe that they could go below that on the two-story element in the front.

Discussion ensued relative to the various programs that will be conducted at the facility in addition to gymnastics; the fact that a "teaching" swimming pool will be added; two dance rooms; a "tumble-bug" dedicated area for young children up to three years of age; trampolining and tumbling; competitive gymnastic teams; cheer; etc; the fact that the facility will feature four separate seating areas for parents; the fact that it is likely that a couple of special events (competitions) will be held per year; the fact that Staff believes sufficient parking will be provided; and the fact that no signage has been proposed as yet but the applicant would be

required to go through the typical process if they wanted to proceed in that manner.

Chairman Ryan stated that a number of slips have been submitted on this issue and in the interest of time, he would request that those people who have indicated a desire to speak, be brief and not repetitive.

Chairman Ryan said that the following citizens submitted slips indicating **support** for the project but did not wish to speak:

Tina Hardenbrook wrote the opinion that the gym will be a wonderful addition to the community and will be great for parents as well as children.

Yvonne Whitney wrote that the community's youth need this type of facility.

Annette Flerenheimer wrote that she has been a "Gym Time" parent for many years and believes that the owners are very community minded and offer a wonderful program. She added that the entire community will benefit.

Greg Autrey wrote that the community would benefit greatly from this project.

Chairman Ryan stated that the following citizens submitted slips in **opposition** to the project but did not wish to speak.

Lila Healy and Bob Healy wrote that the project will result in excessive traffic and declining property values.

Jack Thompson wrote that the location is appropriate for residences and not businesses.

Kris Kidney wrote that this business does not belong in a neighborhood, families do.

Ingrid Davidson wrote that the business is not an appropriate use on a residential road.

Chairman Ryan stated that the following citizens submitted slips indicating **support** for the project and requested that they be allowed to speak:

Barbara Autrey, 2913 S. Estrella Circle, said that although she had not intended to speak, she does want to state for the record that she is definitely in support of this project and stated the opinion that it will be a positive asset for the community.

Robert Canzano, 3201 North Carriage Lane, spoke in support of the proposed facility. He said he works for Gym Time and has known the owners for many years. He expressed the opinion that the facility is a wonderful alternative to a

church and discussed the extensive traffic that exists at the church he attends. He commented that the traffic the gym will have will be easily managed and children will attend organized classes where they learn discipline and how to perform a difficult sport. He discussed his personal positive experiences in this area and urged the Commission to recommend approval.

Troy Orr, 3125 W. Tyson Place, stated the opinion that the location is a good one for the facility with great access. He added that the community needs a youth center and that the gym will positively impact the entire City of Chandler. He added that entrance and exit routes can be provided to parents who sign their children up for the programs in order to enhance safety. He also commented on increased sales tax monies that the business will generate and asked the Commissioners to vote in support of the request.

Don Hardenbrook, 7864 S. La Rosa Drive, Tempe, spoke in support of the project and said it will draw families into the neighborhood. He added that the facility will also provide a healthy environment for youth developmental activities.

Kim Ames, 3961 West Saragosa Street, said that she is a resident of Hearthstone and believes that a gym would be a wonderful asset to the entire community. She commented on the fact that there is a definite lack of positive activities available in Chandler for youths and spoke in support of physical activity and providing youths the ability to gain confidence in themselves and their abilities. She advised that she drives in and out of Hearthstone Drive all the time and does not believe that problems exist now or will in the future because of this facility. She discussed the fact that a significant amount of landscaping is being proposed and there will not be constant in and out traffic.

Doug Robinson, 2114 West Mesquite Street, stated that the project is an interesting one and a good opportunity for the citizens of Chandler. He said that he has looked at the plans and knows the applicants and their family very well. He emphasized that the City's motto is "Chandler, Arizona..... where values make the difference," and said that this organization also promotes values. He asked the members to approve the application without delay.

Chairman Ryan stated that the following citizens submitted slips indicating **opposition** to the project and requested that they be allowed to speak:

Laura Rivers, 3737 West Geronimo Street, thanked Commissioner Heumann for questioning the future placement of signs and asked that he be concerned as well about this "enormous" building the applicant is attempting to develop in a residential area. She spoke in support of children's programs but in an appropriate location and stated the opinion the proposed area is not appropriate for a business such as this. She emphasized the importance of protecting the safety of the neighborhood and said that Hearthstone is the ingress/egress road for the neighborhood. She expressed the opinion that a number of inaccuracies are

contained in the application and requested that Staff and the members of the Commission look further into this issue and not vote to approve it at this time. She noted that the building would be 36 feet tall and said that although a church might be just as tall, a church would not bring in the daily traffic, particularly during rush hour.

Tony Wurm, 3631 W. Whitten, a resident of the Hearthstone community, spoke in opposition to the approval of this request. He said he would like to speak about the issue of "transition" and said that "transition" is not an adult bookstore or a 7-Eleven or a 175 by 150 foot by 36-foot high building. He emphasized that the facility does not represent a "transition" building and is inappropriate for this residential area. He commented on the extensive community involvement in that area.

Thomas Albright, 3574 West Chicago Street, Hearthstone Division II, said that for many years the neighborhood has had a great neighbor, a residential treatment center known as Remuda Ranch, at the entrance to the Hearthstone neighborhood. He expressed the opinion that this facility would be most negatively impacted if the gym is allowed to be built and stated concern relative to the negative impacts this type of facility would have on patients at Remuda Ranch. He asked if a member of the Commission had a daughter at Remuda Ranch attempting to overcome an eating disorder for example whether he or she would want their child subjected to witnessing a steady stream of very healthy, young people coming and going from their gymnastics and/or cheerleading classes. He asked them to be sensitive to the needs of the residents at this facility

Tony Forner, 3528 West Cindy Street, stated the opinion that traffic hazards will be created as a result of the approval of this application and added the opinion that the traffic study that the applicant has paid for is not representative of the usual traffic flow since it was done when the high school and colleges were out of session and provided additional opinions relative to why he doubts the accuracy of the study. He urged the Commissioners to protect the safety of the neighborhood, question the location, and deny the request.

Bill Donaldson, 3725 West Geronimo, expressed the opinion that the proposed project does not represent an appropriate "transition" building or use. He referred to a photo of the southeast location of the proposed gym and stated that the facility will negatively impact the area and the community as a whole. He agreed with previous comments relative to impacts on safety, property values and aesthetics and requested that a precedent not be set in this important area that will negatively impact other neighborhoods as well. He also commented on the "reuse plan" and said he refers to it as "an exit strategy" for failed businesses. He commented on other inappropriate uses that could occur if the project is approved but the pharmacy fails and asked the Commission to vote to deny the case.

Leigh Rivers, 3737 West Geronimo, spoke in opposition to the project. He said that most people agree that the business is a good one and provides definite benefits but should be sited at an appropriate location. He referred to photos of the property displayed in the Council Chambers and said that a neighbor he knows, from the second story of her home, looking out of her master bedroom window will still have to look up 20 feet to see the top of the building. He stated the opinion that approval of a project of this size will "shoe horn" a building that belongs on a major arterial street on a lot with a two lane road. He asked that the Commissioners vote to uphold the quality of life and property values in the area and deny the request.

Chairman Ryan said that he has no more slips but asked anyone else who wanted to talk at this time to come forward.

Don Robinson re-addressed the Commission and said that where he lives an LA Fitness Center is located within one block, it is for adults, and everyone likes it. He said he would like to see this program go forward for children and spoke again in **support** of the request.

Mr. Ty Hofflander, the author of the traffic study regarding this case and a resident of Chandler and former employee of the Traffic Engineering Staff, addressed the audience and members of the Commission relative to traffic issues and the report. He stated the opinion that although it would have been desirable to conduct a traffic study during the school year, the firm that conducted the study was retained after the school's session had already ended. He said they analyzed traffic during the afternoon peak hours and spoke in support of the information contained in the study.

Discussion ensued relative to additional traffic concerns and the applicant advised that as far as activities that occur in the morning, traffic is very light; the fact that the heavy activity takes place in the afternoons between 3:30 p.m. and 8:00 p.m.; class scheduling and intervals; the fact that swimming takes place on the half hour and can be broken up as well; the applicant's opinion, based on all the information he has received and the study he had conducted, that there will not be a problem in this area; his intention to design the program in a manner that ensures that problems are avoided; Mr. Hofflander's comment that during all of his years with the City, he never once received complaints relative to traffic resulting from churches although some complaints about parking overflow at several churches were received; the fact that a number of churches made parking spaces available for charter schools and resulted in some complaints but the traffic at the schools was not as significant as people had anticipated; the fact that when the applicant purchased the property he was under the impression that a YMCA would be allowed on the site; efforts on the part of the applicant to address as many concerns as possible; the applicant's opinion that should traffic become a problem, many different methods are available to address that issue.

Dona Barclay, one of the applicants in this case, advised that the colors blend in with the Chandler Fashion Mall. She commented on the positive impacts the project will have on the community and efforts she and her husband will continue to expend to ensure that the neighborhood is not negatively impacted.

Commissioner Anderson stated the opinion that additional modifications could be made to the building itself that would result in a more attractive, appropriate looking facility for that area. He added the opinion that design review issues need to be further addressed.

Commissioner Flanders agreed that the case should be the subject of additional design review.

Additional discussion ensued relative to the positive and negative impacts of the project on the area and the aesthetics of the building itself.

MOVED BY COMMISSIONER FLANDERS, SECONDED BY COMMISSIONER ANDERSON, to continue DVR02-0038 GYM TIME to the Commission's August 20th meeting (second meeting in August) to allow the case to be reviewed and considered by the Design Review Board.

Discussion ensued relative to the fact that the applicant might consider developing some alternatives to discuss and consider as part of the design review process; and the fact that residents/neighbors may also attend the Design Review Board's meeting and present input.

MOTION CARRIED UNANIMOUSLY by those present (5 to 0).

Mr. Mayo indicated his intention to notify the residents of Hearthstone of what transpired this evening and future meeting dates.

F. UP03-0006 LEISURE LIVING FOR THE ELDERLY

Planner I, Ashley Bailey, advised that this case involves a request for a Use Permit for an Adult Care facility within a single-family residence located at 507 North Nantucket Court. She advised that the applicant possesses a State issued "directed care" license for four permanent residents and would like to extend that number to six permanent residents, one of which will be a live-in caregiver. She explained that "directed care" means programs and services, including personal care services provided to individuals who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

Ms. Bailey noted that the home is currently 2,285 square feet in size and said that per Arizona Department of Health Services space requirement standards, the home could have a maximum capacity of seven residents. She reported that the

applicant has held two neighborhood meetings and issues raised by the neighbors included increased traffic, decreases in property values, and maintaining conformance with the declaration of Covenants, Conditions and Restrictions for the neighborhood. She advised that Staff is recommending approval of the request for the Use Permit.

Nhor Latinovich, 507 N. Nantucket Court, the applicant in this case, commented that the home contains five bedrooms and, as previously noted, the home could accommodate up to seven residents. She added that the facility meets all State and City requirements and advised that she is also contracted by Maricopa County which places elderly patients in her facility. She explained that in order for her to contract with the County, she has to comply with all requirements, i.e. undergo inspections, etc.

Ms. Latinovich addressed concerns expressed by neighbors relative to the request and said that as far as increased traffic, none of the residents drive and their family members are allowed to visit them from time to time. She said that the residents go to bed early in the evening and are very good neighbors. She reported that nationwide studies have shown that group homes have not negatively impacted property values. She discussed the high standards that are in effect in and around the home and noted that as far as concerns relating to CC&R violations, that is not under the control of the City of Chandler. She reiterated that she is in compliance with all necessary requirements, has the space to accommodate the additional residents, provides a much needed service, intends to continue to be a good neighbor and asked the other neighbors to do the same. She requested that the Commission recommend to the Council that the Use Permit be approved.

In response to a question from Commissioner Anderson, Bob Weworski explained that CC&R issues are civil matters and it would be up to the neighbors and the applicant to resolve outstanding issues and concerns regarding that area.

In response to a question, Ms. Bailey advised that to date one ambulance call was recorded to the Fire Department in February.

Chairman Ryan said that he has received several speaker cards on this item and would ask the citizens to come forward and present their remarks when he calls out their names.

Shari Blomquist, 491 North Nantucket Court, said she lives next door to the home and spoke in opposition to the approval of this request. She expressed concerns relative to decreases in property values and stated the opinion that having the home in the area "lengthens" the amount of time it takes to sell a home in that neighborhood. She added that the group home concept "scares people" and therefore homes sell slower. She said she does not understand the CC&R process and questioned where residents go to pursue this matter if not to the City.

Mr. Brockman commented that he cannot provide legal advice in this area but would suggest that Ms. Blomquist contact an attorney. He added that CC&R's are generally enforced through the courts. She also expressed concerns relative to the appropriateness of this home in a residential neighborhood and added that children play outside and make noise that might disturb the residents. She questioned whether the Police would be called if her children made what the home considered to be "too much noise." She noted that their cul-de-sac contains 11 homes rather than the typical 4 or 5 and added that as a neighbor she can attest to the fact that traffic has increased and she definitely has safety concerns in this area. She stated that the home appears well maintained as far as landscaping.

Ms. Blomquist added that notification that a business was going to open at that location was never received and said she didn't even know about the home until February. She stated that she did not receive a notice until April and questioned the notification process that is in place for situations such as this.

Mr. Weworski reported that this particular facility, since they only have four residents, fit the definition of "family" in accordance with City Codes, and therefore they were not required to provide notice of their operation. He added, however, that the request to allow six residents triggered a notification process as a result of the need to obtain a Use Permit.

Additional discussion ensued relative to the fact that the original application contained a request to allow up to seven residents and the applicant's subsequent decision to reduce that number to six; residents' opinion that this type of facility should be in a community for elderly people; the fact that a need for these types of facilities exist and efforts to "space them out;" the fact that should such facilities become disruptive to the rest of the neighborhood, action is then taken on the part of the City; increases in traffic; the fact that the Use Permit, if approved, would be issued for a one-year period of time and therefore should problems arise, the Use Permit can be revoked or rather not renewed after that time period; and the fact that the applicant is currently living in the home.

Michael Mehrara, 315 N. Nantucket Court, also a neighbor of the home, said that from day one the applicant has stated that she did not intend to live on site and she comes into the home only once a week. He added that a neighborhood meeting was held on June 3rd and 100% of those in attendance expressed opposition to the request for the Use Permit (with the exception of one person who happens to be the applicant's mother who resides in the facility). He noted that the petition in opposition clearly reflects the neighbors' opposition.

Mr. Mehrara agreed with previous concerns expressed by the speakers and agreed that CC&R matters are civil issues. He added that the cul-de-sac contains nine families and children are always out playing in the street. He said that on Sunday mornings all the visitors arrive and traffic dramatically increases at a time when

children should be safe playing outside. He stated the opinion that the simple fact that the applicant is operating a business out of the home negatively impacts values and the appeal of the area. He added that he is a real estate broker and that is why he is familiar with anticipated negative impacts on property values.

The Chairman added that the following citizens have indicated **opposition** to the approval of the Use Permit, do not wish to speak at this time, and have provided written comments:

Kris Kidney, 522 N. Nantucket Court, wrote the opinion that this type of business does not belong in a residential neighborhood, just families belong there.

Jack Thompson, 523 North Nantucket, was no longer present at the meeting but had indicated on his speaker slip that he is opposed to the approval of the Use Permit and the residence should be a family home and not a business.

Lila Healy, 490 N. Nantucket Court, who also left the meeting, submitted comments relative to her opposition to the approval of the Use Permit and stated concerns relative to excessive traffic and declining property values.

Bob Healy, 490 N. Nantucket Court, concurred with the previous speaker's remarks.

Chairman Ryan thanked the speakers for their input.

Ms. Latinovich again addressed the Commission and stated the opinion that as far as traffic issues, she believes she is being "singled out" because she is operating a group home. She said that although the residents' families visit, this does not occur every day and the number of visitors is not at all excessive. She added the opinion that she is being harassed and said that she has even requested that visitors just "back up" rather than turn around in the cul-de-sac in response to neighbors' concerns. She stated that as far as the CC&R's, that is not under the jurisdiction of the City and she does not believe that the home results in declining neighborhood property values.

Additional discussion ensued relative to the fact that the property is well maintained; the fact that the applicant invited the members of the Commission to see the home for themselves; she advised that she operates a total of two homes; the fact that the home operates on two 12-hour shifts; the applicant's comment that she lives at the home on a "part time basis" because she has two homes but is on site 7 nights a week; the fact that visitors are provided a visiting schedule and house rules must be followed; peak visitor days and hours; the fact that the other home is located on Dobson and Elliot Roads in Chandler.

Mr. Mehrara said he would have to respectfully disagree with the applicant's statement that she lives in the home seven nights a week.

The Chairman said that he would entertain a motion at this time but would first like to comment that he is in favor of these types of facilities and believe that it is possible for them to successfully operate in residential areas. He added, however, that this case is a little different because of the cul-de-sac situation and said that the slightest increase in the amount of traffic could trigger a problem with the neighbors, particularly if children are accustomed to playing in that area. He commented that because of the increase in traffic, the cul-de-sac situation, and the fact that family members tend to visit more on weekends when children are more likely to be out in the street playing, he cannot support the applicant's request.

Additional discussion regarding traffic and safety concerns ensued, the importance of working with the neighbors and the fact that the applicant may reapply in the future.

Commissioners Heumann and Flanders concurred with the Chairman's remarks.

MOVED BY COMMISSIONER FLANDERS, SECONDED BY COMMISSIONER HEUMANN, that the request for a Use Permit (UP03-0006 LEISURE LIVING FOR THE ELDERLY) be denied.

MOTION CARRIED UNANIMOUSLY by those present (5 to 0).

Chairman Ryan thanked everyone for their comments.

5. DIRECTOR'S REPORT

There was no Director's Report at this time.

6. CHAIRMAN'S ANNOUNCEMENT

In response to a question as to whether the next regular meeting will be held on July 16, 2003 at 5:30 p.m. in the Council Chambers, 2nd Floor, Chandler Public Library, 222 S. Delaware Street, Chandler, Arizona, Staff advised that some applications are being advertised for that date. He added, however, that if a quorum is not obtained, the meeting cannot occur.

7. ADJOURNMENT

The meeting was adjourned at 9:38 p.m.

Phil Ryan, Chairman

Douglas Ballard, Secretary

MINUTES OF THE JULY 16, 2003 PLANNING AND ZONING COMMISSION MEETING OF THE CITY OF CHANDLER, ARIZONA, held on July 16, 2003 in the Council Chambers, 2nd Floor, Chandler Public Library, 22 South Delaware Street.

Chairman Ryan called the meeting to order at 5:33 p.m.

2. Pledge of Allegiance was led by Commissioner Polvani.

3. The following Commissioners answered Roll Call:

Mr. Phil Ryan
Mr. Michael Flanders
Ms. Jeanette Polvani
Mr. Mark Irby

Absent & Excused: Commissioners Heumann and Anderson

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Thomas Ritz, Planner
Ms. Jodie Novak, Planner
Ms. Ashley Bailey, Planner
Mr. Bob Weworski Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES:

Unavailable at this time.

5A. CONSENT AGENDA:

CHAIRMAN RYAN recommended that Agenda Items B, C, D, and E be approved on the Consent Agenda as follows:

B. DVR03-0011 PECOS PLAZA

APPROVED, a request for action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development, or to cause the property to revert to the former Planned Area Development (PAD) zoning classification. Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years, with all of the conditions in the original approval remaining in effect.

C. DVR03-0016 FRYE ROAD INDUSTRIAL PARK – OFFICE BUILDING

APPROVED, a request for action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development or to cause the property to revert to the former Planned Area Development (PAD) zoning classification. The existing Planned Area Development zoning is for an office building on approximately 2.7 acres. Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

D. DVR03-0009 INTERNATIONAL SURFACING SYSTEMS

APPROVED, a request for rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for Planned Industrial District (I-1) uses including an asphalt materials contractor with Preliminary Development Plan (PDP) on an approximately 4.39-acre parcel located within a developed light industrial area south of Galveston Street and approximately 1,180 feet east of 56th Street. The applicant, Jason Morris of Withey, Anderson & Morris, PLC, requests to rezone the subject site from AG-1 to Planned Area Development (PAD) with Preliminary Development Plan (PDP) to allow for Light Industrial (I-1) type uses. Staff, finding consistency with the General Plan, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "International Surfacing Systems," kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0009, except as modified by condition herein.
2. The development shall meet all site development requirements, including but not limited to on-site retention, landscaping, cross access easements, and a minor land division, as required by the Technical Preliminary Site Plan Review and represented in the Development Booklet. On-site improvements shall commence within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a property owners' association.

E. DVR03-0013 CACTUS TOWING

APPROVED, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Conceptual Planned Industrial (I-1) uses on approximately 5.6 acres, along with Preliminary Development Plan (PDP) approval for an impound yard and towing facility on approximately 2.8 acres located at the southwest corner of East Highland Street and North Delaware Street. The General Plan designates this parcel as Employment for major employers, industrial/business parks, and industrial support uses. The proposed conceptual PAD zoning for I-1 uses is consistent with the General Plan. Staff recommends approval to rezone the property from Agricultural District (AG-1) to Planned Area Development (PAD) for Conceptual Planned Industrial (I-1) uses, along with Preliminary Development Plan (PDP) approval for an impound yard and towing facility, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CACTUS TOWING" kept on file in the City of Chandler Current Planning Division, in file number DVR03-0013, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Highland Street and Delaware Street, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a

- public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
 8. There shall be no stacking, demolition, salvage, dismantling, sale, or long-term storage of impounded vehicles.
 9. All vehicle storage shall occur behind the eight-foot high screen walls within the designated impound yard.

Jeff Kurtz stated that an additional condition was added to Item E:

10. The applicant shall work with Staff to enhance the west elevation of the building

MOVED BY COMMISSIONER FLANDERS, SECONDED BY COMMISSIONER IRBY, to approve Consent Agenda Items B, C, D, and E as presented. **MOTION CARRIED UNANIMOUSLY** by those present (4 to 0).

5B. ACTION ITEMS:

A. UP03-0009 CREATIVE CARING

Planner I Ashley Bailey stated that this Use Permit is for a childcare facility in a single-family home located in north Chandler. The application was received in our office in January and Staff believes it has been operating since January 2003. This is a unique application in that the applicant owns the adjacent home as well. Per City of Chandler Code, this proposal falls under the commercial daycare guidelines rather than residential childcare. The State of Arizona has stated that the application will not be approved based on the facts and background of this case, and Staff is also recommending denial.

When asked if the applicant currently has a license with the State, Ms. Bailey stated that the State is going to deny the application due to the fact that they believed this is not a principle dwelling unit and per their requirements, it has to be an owner-occupied home. The facility is operating with no license.

The applicants, Theresa Bagdol of 2608 W. McNair and Frank Bagdol, also of 2608 W. McNair presented a petition signed by some neighbors in support, as well as a letter from their mortgage company stating that 2608 W. McNair is now their primary residence.

Some of the pictures taken by Planning Staff are now current. Mr. Bagdol stated that the home was purchased in January and did not start watching children until the middle of May. Mrs. Bagdol stated that she has been doing childcare for 15 years, operating in facilities and now has gone back to doing home care for the benefit of the children. Mrs. Bagdol said that this is not like a commercial daycare and that she only applied for not only licensing, but for a City permit in case of future need to expand above 4 children. It was her understanding that she didn't need either to watch the 4 children. She went on to state that they looked quite awhile trying to find a large house and a large property that suited a daycare. They were not able to find anything with an appropriate floor plan or that didn't require a lot of money to divide the pool area from the play area. It was at this time that their neighbor put their house up for sale, which they purchased. She stated that they were only sleeping at 2616 and that all the meals are prepared at 2608, all the laundry at 2608. There is no dining table at 2616, no laundry facility. She stated that she goes home between 8-9 o'clock to the other side. With her last facility, everything was upstairs/downstairs. Everything downstairs was set up for the children, and at night they went upstairs to go to bed. That is how they run this situation.

Mrs. Bagdol stated that over and over again she was told that this is not her primary facility, or primary residence. She said she asked what made it a primary residence as she's in both houses all the time. Mrs. Bagdol stated that no one could give her a firm understanding on how to make it her primary residence. The master bedroom has now been moved over. She stated this is a strange situation and she would never have proceeded with this other than to allow people to have a governing standard and to ensure that she was running a quality facility.

CHAIRMAN RYAN asked how many children Mrs. Bagdol anticipates caring for. Mrs. Bagdol stated that she didn't care to take more than four, but if something happened that they needed more income, they would be able to take more children.

Ms. Bailey stated this Use Permit, if approved, would give the applicant the ability to go up to 10 children, with one employee. CHAIRMAN RYAN commented that one would have to assume that they could potentially have 10 children in the house.

VICE CHAIRMAN FLANDERS asked the applicant if they were aware when they purchased the second home what the Ordinance states as far as primary residence. The applicant stated that she did not. She said that she had gone to the State and that they stated that someone had to live there. They never said that it had to be a primary residence. Mrs. Bagdol stated that she lives there, up to 20 hours per day, much more than on the other side. When asked if Staff had explained what primary residence is. Mrs. Bagdol stated that she had never found anyone to define what a primary residence was.

Mrs. Bagdol commented that they have refinanced making 2608 the primary residence. VICE-CHAIRMAN FLANDERS asked if the State license is in jeopardy. Mrs. Bagdol responded that no one has contacted her from State. She said she went to one meeting, filled out the application, and found out that she had to have a City permit. She stated that she is aware that her license is not active as she is not required to have a license, but made application in case she ever wanted more children, which was not her plan. This is no more than what she has done in the past.

CHAIRMAN RYAN asked why the children are not in her personal residence. Mrs. Bagdol stated that there is tile throughout, it's not safe inside or set up with a good floor plan where she can see them most of the time, it has a pool and Jacuzzi, no grass area, and it would risk their health and well being.

COMMISSIONER IRBY commented that the definition of a primary residence in the Code is one that you live there full time, you sleep, you do everything in there. He questioned what would be done with the other home if they transfer their residence to the other home. Mrs. Bagdol stated that she still wants to swim and to use the facility to store food. The smaller home is not adequately set up to store food.

COMMISSIONER POLVANI asked if the other home purchased 6 years ago was the home that was not adequate for the childcare and if the newer home that was just purchased was more adequate. The applicant stated yes. Mr. Bagdol stated that a lot of money has been spent fixing up the home, installing a gate through the block wall so that both homes would have access. A good lock was installed so that children cannot get through. Quite a bit of money has been spent to make it look presentable.

COMMISSIONER IRBY asked Staff if this property could be re-platted where there are two structures on one property. Ms. Bailey stated that because this is zoned SF-8.5, then that would probably need a variance to be able to have two structures on one single lot.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER, stated that the variance wouldn't be the process for it. This is an issue with the zoning district. It's a single family residential, one home per lot. It would need a zoning change.

CHAIRMAN RYAN asked Mr. Kurtz, if the applicant sold their primary residence and moved elsewhere, would there be anything prohibiting them from still running this business in this residence? Mr. Kurtz said there would not be a problem with 5 or fewer children. As soon as we go over 5 children is where we start to consider the use through a Use Permit. The format of the application is for residential daycare, which requires it to be a primary residence. If the applicant moves away, under this type of application, the applicant could not continue the daycare use because it's no longer a primary residence.

It was CHAIRMAN RYAN'S belief that the second residence has anything to do with the application. That there wouldn't be anything to prevent the applicants from selling their home and moving away, and using the secondary residence as a non-primary childcare

use. MR. KURTZ stated that we could consider that, but not under the type of application that we're considering at this time, because it requires you to have it be your primary residence. We could consider it under a different Use Permit, advertised a different way where it was stated that the applicants don't live there and use it for this purpose; we could consider it that way.

ASSISTANT ATTORNEY GLENN BROCKMAN commented that under the definition of Residential Childcare, if Commission were to grant this permit, it would in effect be determining that the second property is the primary residence if you can't reach that conclusion, you don't have authority to grant the permit.

Mr. Bagdol presented pictures to the Commission of the daycare as their primary residence. CHAIRMAN RYAN asked if everyone in the applicant's area within 300 ft. agree to this use. Mrs. Bagdol stated that they had all been notified.

COMMISSIONER POLVANI confirmed with Mr. Kurtz that if, under the residential Use Permit, if the applicants lived in one place and still ran the childcare, the applicants would have to come back and ask for commercial. Mr. Kurtz stated that in general, yes. The application was advertised under Residential Daycare. While it's still residential daycare under this scenario, we would be more explicit in our advertisement so that people understood it wasn't under the category of the "live there" residential daycare.

COMMISSIONER IRBY said that this Use Permit allows up to 10 children. He asked if we could limit the number of children to be no more than 5, and if they wanted to increase the number over time, they would have to come back for a different Use Permit. Ms. Bailey stated that the applicants are allowed 4 children by right, but that we could limit it to 5. Based on the definition of Residential Childcare, they could have up to 4 as an accessory use to their principle dwelling unit. Since they have provided that, if you would consider that to be their principle dwelling unit, then you would be able to limit them to 5 with this Use Permit.

CHAIRMAN RYAN said that Commission has to take each case on its own merit, and that he thought that this has a lot of good intentions. The problem is that this is not the primary residence. This starts to become a commercial business run out of a residential area. The intent of the ordinance is that if anyone wants to take care of the elderly or the young children in their own personal home, the owners will take care of the property like it's their own. Someone will not allow 10 children in their own home, so that's why Commission considers this primary residence the meat to this policy. In this situation there are good merits; however, it doesn't meet the policy.

VICE-CHAIRMAN FLANDERS stated that he concurred with Chairman Ryan. The definition is very straightforward in that it refers to the principle dwelling. COMMISSIONER IRBY agreed and would be voting against this request.

MOVED BY COMMISSIONER POLVANI, SECONDED BY VICE CHAIRMAN FLANDERS, to deny this request as presented. MOTION CARRIED UNANIMOUSLY by those present (4 to 0).

Chairman Ryan thanked everyone for their comments.

5. DIRECTOR'S REPORT

There was no Director's Report at this time.

6. CHAIRMAN'S ANNOUNCEMENT

The next meeting will be held on August 6, 2003, in the City Council Chambers.

7. ADJOURNMENT

The meeting was adjourned at 6:04 p.m.

Phil Ryan, Chairman

Douglas Ballard, Secretary

MINUTES OF THE AUGUST 6, 2003 PLANNING AND ZONING COMMISSION MEETING OF THE CITY OF CHANDLER, ARIZONA, held on August 6, 2003 in the Council Chambers, 2nd Floor, Chandler Public Library, 22 South Delaware Street.

VICE CHAIRMAN FLANDERS called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance was led by Commissioner Heumann.
3. The following Commissioners answered Roll Call:

Mr. Michael Flanders
Mr. Rick Heumann
Ms. Jeanette Polvani
Mr. Mark Irby

Absent & Excused: Chairman Ryan
Commissioner Anderson

Also Present:

Mr. Thomas Ritz, Planner
Ms. Ashley Bailey, Planner
Mr. Bob Weworski Planner
Mr. Jeff Kurtz, Current Planning Manager
Mr. Geir Sverdrup, Planner II
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES:

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER IRBY, to approve the minutes of the Regular Meeting of July 2, 2003 as presented. (COMMISSIONER HEUMANN noted that he was not present at that meeting and therefore would abstain from the vote.) MOTION CARRIED UNANIMOUSLY by those present and voting.

MOVED BY COMMISSIONER POLVANI, SECONDED BY COMMISSIONER IRBY, to approve the minutes of the Regular Meeting of July 16, 2003 as presented. MOTION CARRIED UNANIMOUSLY by those present.

- 5A. CONSENT AGENDA:

MR. KURTZ stated that he would begin the meeting this evening by reading off the items that the Planning Commission has scheduled and recommended for the Consent Agenda, Items B, C, D, E, F, G AND H as follows:

***B PDP02-0009 PASEO TRAIL PARCEL D (GREYSTONE HOMES)**

APPROVED, a request for Preliminary Development Plan approval for an approximate 136-lot-single family residential subdivision on approximately 41

acres. This property is located east of the northeast corner of Queen Creek Road and Gilbert Road. (Applicant: Stephanie Trahan, Greystone Homes.) He noted that Staff is recommending that an additional condition be added to that item, and read the following Stipulation No. 6 into the record as follows: *"For those lots abutting the eastern canal, no less than 50% of the homes shall be one story and there may be no more than two side-by-side two-story homes."*

He noted that the Greystone Homes' product meets 7 of the 10 Architectural Diversity Standards for housing products in place at the time of original product submittal. Four-sided architecture is emphasized with three distinctive elevations per floor plan. Staff, upon finding consistency with the General Plan and previously approved Planned Area Development zoning, recommends approval subject to the following conditions, which includes added Stipulation #6 as listed above:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3215, in case PL99-061 LENNAR/METROPOLITAN 130, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development, entitled "Paseo Trail Housing Product Submittal kept on file in the City of Chandler Current Planning Division, in File No. PDP02-0009, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single story.
4. The proposed D and E rear elevations will be offered on homes backing to Queen Creek Road, the Eastern Canal and other open spaces.
5. When two-story homes are built on adjacent lots, a 20-foot-separation shall be provided between homes.
6. For those lots abutting the eastern canal, no less than 50% of the homes shall be one story and there may be no more than two side-by-side two-story homes.

***C. PDP03-0008 SUN GROVES PARCEL 13 (TAYLOR-WOODROW)**

APPROVED, a request for Preliminary Development Plan (PDP) approval for housing product for an approximate 126-lot single-family residential subdivision on approximately 46 acres. This property is located within the Sun Groves Master Plan on the southeast corner of Val Vista and Doral Drive. (Applicant: Travis Nuzman, Taylor-Woodrow Arizona, Inc.) He noted that an additional Stipulation No. 6 is also being recommended for this agenda item as follows: *"All corner lots shall be limited to single-story homes only."*

Mr. Kurtz noted that the Taylor-Woodrow product meets the updated Residential Development Standards including all nine required standards and nine of the optional standards. He added that the proposed housing product also complies

with the Southeast Chandler Area Plan. Staff, upon finding consistency with the General Plan and previously approved Planned Area Development zoning, recommends approval of the Preliminary Development Plan for housing products subject to the following conditions, which includes Stipulation #6 as listed above:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2943, in case PL98-158 SUN GROVES, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Sun Groves Parcel 13 Preliminary Development Plan Submittal," kept on file in the City of Chandler Current Planning Division, in File No. PDP03-0008 except as modified by condition herein.
3. The same front elevation shall not be built on adjacent or opposite lots.
4. For lots adjacent to an arterial street, collector street, or open space, two-story homes are limited to every third lot.
5. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
6. All corner lots shall be limited to single family homes only.

D. UP03-0007 YUCCA SPRINGS ASSISTED LIVING

APPROVED, a request for a Use Permit for an Adult Care Facility within a Single-Family Residence for five residents and two resident caregivers at 674 North Yucca Street. (Applicant: Ariel Carlos.) Mr. Kurtz noted that additional Stipulation No. 4 is being recommended as follows: *"Property must comply with all applicable building codes."*

Mr. Kurtz stated that the Zoning Code establishes Use Permit criteria for any proposed Use Permit and added that compliance with this criteria will maintain neighborhood compatibility. He noted that the proposed home meets both ADHS and City of Chandler's requirements and there are no zoning violations or history of issues with the Police Department on record for this residence. Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit, subject to the following conditions, including Stipulation No. 4 as listed above:

1. The Use Permit shall be extended for a period of one (1) year, at which time re-application shall be required. The one-year time period shall begin from the date of City Council approval.
2. Compliance with the City of Chandler's Zoning Code provisions with regard to the operation of adult care homes.

3. Maximum resident capacity is five care residents and two resident caregivers.
4. Property must comply with all applicable building codes.

***E. UP03-0017 DRIVERS CORPORATION**

APPROVED, a request for Use Permit approval to continue the operation of an event vehicle rental and resale business within a Planned Industrial (I-1) zoning district located at 4143 W. Juniper Way. (Applicant: Mark Skidmore, Drivers Corp.) Upon finding consistency with the General Plan, Staff recommends approval of the Use Permit to operate an event vehicle rental and resale business within an I-1 zoning district subject to the following conditions:

1. All vehicle storage, sale and detailing shall occur within the building or in the screened parking spaces as represented on the site plan.
2. All signage text shall be limited to business name identification only and shall be in conformance with the Chandler Sign Code.
3. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
4. The Use Permit is effective for a period of three (3) years from the date of City Council approval. Operation of the business beyond the three-year time period shall require reapplication to and approval by the City.
5. There shall be no on-site retail sales of cars.

***F. UP03-0021 PERFORMANCE AUTO SALES**

APPROVED, a request for a Use Permit extension to operate an Automotive Sales and Service Business in a General Industrial (I-2) Zoned District located at 6700 W. Chicago Street, Suites 6 and 7, Chicago Business Park. (Applicant: Mike Koch, Performance Auto Sales.)

A Use Permit was approved in October 1998 to operate an automotive sales business within Suite 5 of the Chicago Street Business Park, located in a General Industrial zoning district. A second Use Permit was approved when the business expanded and relocated to Suites 6 and 7. The 4,976 square foot space contains an approximate 4,410 square foot showroom/work area. The primary business consists of locating, buying and selling late model performance type vehicles such as Corvettes, Firebirds and Mustangs. On site, vehicles for sale inventory ranges from one to eight vehicles and are all contained within the showroom. To control customer traffic, the vehicles are viewed by appointment only.

The business evolved to include retail vehicle repair or upgrades, ancillary to the performance vehicles sales. A one-year Use Permit was approved in April 2002 allowing this type of service. Typical work consists of the sale and installation of street legal accessories and performance parts as well as basic repair needs.

Staff, upon finding consistency with the General Plan and compliance with the Council adopted conditions of approval, recommends approval of the Use Permit to continue the operation of an automotive sales and service business within an I-2 zoning district subject to the following conditions:

1. All vehicle sales and servicing, including the overnight storage of vehicles awaiting servicing, shall occur within the building.
2. All signage, whose text shall be limited to business name identification only, shall be in conformance with the Chandler Sign Code.
3. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
4. The Use Permit is effective for a period of three (3) years from the date of City Council approval. Operation of the business beyond the three-year time period shall require reapplication to and approval by the City.

***G. UP03-0023 GEM MICROELECTRONICS MATERIALS, L.L.C.**

APPROVED, a request for a Use Permit for a chemical blending and warehousing in an existing I-2 facility located at 6720 W. Chicago Street, west of the northwest corner of Chicago Street and Beck Avenue. (Applicant: GEM Microelectronic Materials, L.L.C.) The company is currently located at 2885 N. Nevada Street and receives, blends, packages and distributes high purity chemicals to the semiconductor industry. Anticipated business expansion requires moving the operation to a larger site at 6760 W. Chicago Street. Site visits conclude the facility and property are well maintained and in conformance with all applicable codes.

The new location has a building approximately 40,000 square feet in size that supports bulk storage, processing and dispensing of acid and alkaline chemistries and provisions for future solvent blending. The building will also contain areas for warehousing, researching and development and offices. Staff, upon finding consistency with the General Plan, recommends approval to operate a chemical blending and warehousing facility within an I-2 zoning district subject to the following conditions:

1. Compliance with the City of Chandler's Fire Department provisions with regard to the Hazard Material Management Plan.
2. Conformance with all exhibits.

***H. DVR03-0019 BIAGIO (VILLAGE AT WILDTREE)**

APPROVED, a request for action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove or determine compliance with the two year school schedule for development or to cause the property to revert to the former Planned Area Development (PAD) zoning classification. The existing PAD zoning is for a mix of uses including

commercial retail, rental and multi-family residential located on approximately 21 acres located on the northeast corner of Rural Road and Chandler Boulevard. (Applicant: Schirmer Ball Company.) On August 24, 2001, the 21-acre property was rezoned from Agricultural (AG-1) to Planned Area Development (PAD) mixed use) with Preliminary Development Plan (PDP) for a mixed-use development, including multi-family residential and commercial retail and office. The ordinance rezoning the property included the standard condition:

8. Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification,

The developer requests a three-year extension to the timing condition so the property's existing zoning may continue in effect. The City has the following options when a zoning district's timing condition expires. The City could, through administrative action, extend the timing condition for another period of time, eliminate the timing condition, or by legislative action revert the zoning to its former zoning classification. The application does not seek to modify the site plan and building architecture, but seeks to extend the timing condition. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect. Staff has no concerns with the conditions in the original approval.

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY, to approve Consent Agenda Items B, C, D, E, F, G, and H, as presented. MOTION CARRIED UNANIMOUSLY by those present (4 to 2).

5B. ACTION ITEMS:

A. DVR03-0010 REZZONICO DAIRY (HOMESTEAD PARK)

Planner II Geir Sverdrup said that this request is to rezone AG-1 to Planned Area Development (residential) together with Preliminary Development Plan approval for an 83-lot single-family subdivision on 21.019 acres with a density of 3.948 du/ac west of the southwest corner of Germann Road and Alma School Road. (Applicant: Pat Barker, Barton Homes.) He noted that the site is currently used as one of the Rezzonico Dairies. He added that the proposed subdivision is in compliance with the general layout of the existing Clemente Ranch Area Plan and added that the overall layout is acceptable.

Mr. Sverdrup noted that the application does not include housing and the applicant is requesting several deviations from typical lot setbacks and lot coverage. He said that the applicant is requesting a 15-foot front setback with

the ability to construct up to 50% of the house with a 10% front setback. He added that the applicant is also proposing a minimum 15-foot rear yard setback with a minimum of a 10-foot side yard setback. He noted that 50% lot coverage has also been requested where 40% is the maximum permitted by the Zoning Ordinance. He said that the lots in this subdivision are proposed to be an average of 55 by 110 feet and added that there are some that are at 50 feet by 110 feet and lots on curves and cul-de-sacs exceed the 55 foot lot width.

Mr. Sverdrup advised that Staff compared the proposed subdivision to the surrounding communities, particularly Clemente Ranch and Parcel 20, and noted that Parcel 20's lot sizes average 60 by 110, uses 15 and 20-foot front setbacks, 5 and 10-foot side setbacks and a 40% lot coverage. He stated that although a majority of the subdivision was approved prior to the development of the Diversity Standards many of those diversity standards were used in this case to review the application and staff found that it meets three of the eight required diversity standards and two of the ten optional diversity standards. He added that if the product was brought forward at this time, there is some diversity standards that could be met with the housing product, such as a distinct product theme. He added that at this point, Staff is recommending that the conceptual residential zoning be approved and that the applicant be directed to come forward with a separate PDP with housing product type, which can then be addressed along with the various setbacks and variations.

Mr. Sverdrup reported that a neighborhood meeting was held to review this request on June 14, 2003 and said that residents from the surrounding neighborhoods were excited to see that the dairy would be closing and the area developing. He added that Staff is recommending approval of the rezoning only at this time from AG-1 to conceptual PAD (residential). He added that Staff will stipulate that a PDP come forward at a later time when the housing product can be analyzed and the requests for deviations can be reviewed and considered.

Perry Becker, representing Perlman Architects, the applicant in this case, provided a brief overview of the project's architecture and goals that the applicant/developer/architecture are attempting to achieve. He spoke in support of "neighborhood based" architecture and said that this accounts for a number of the variances that are being requested as far as setbacks. He discussed the proposed development of "porches" and other such "touches" that would help neighbors "interact" with one another. He also discussed plans to reset garage locations for aesthetic and convenience purposes.

In response to a question from Patrick Barker, 15615 North 71st Street, Scottsdale relative to the plan, it was advised that although it appears that the general layout of the proposal may work out, the exact number of lots is one of the issues that remains to be addressed. Discussion ensued relative to the fact that this issue can be addressed once the actual housing plan is in place and certain facts are known.

Discussion ensued relative to the importance of the applicant sitting down with staff to work out some of the items as far as development standards for residential development; proposed lot sizes for the project as well as existing lot

sizes in the area and the fact that staff has compared the sizes to the most recent development (Clemente Ranch Parcel 20) which contains an average lot size of 60 by 110 feet and staff's opinion/practice that in an area such as this, the goal is to obtain "equal to or better than" lot sizes in the development; the fact that at the current time, staff considers the proposal to be a conceptual type layout and the importance of working out the details on the housing and product lines; confusion that exists relative to exactly what is being approved at this time; Staff's statement that they are satisfied with the density level that is being proposed as well as the general layout of the subdivision but Staff's uncertainty that the lot's setbacks and coverage can be accomplished since a housing product is not available to review and apply the diversity standards to; the fact that the density, the lot layout and the concept of the single-family subdivision is acceptable and staff is recommending approval of those components; the applicant's desire to obtain input from the Commission relative to density levels and other critical features before presenting the "entire plan;" the fact that issues remain as to how the housing product will actually "sit and appear" on the particular lots and what the specific setbacks will be; the ability to consider a conceptual zoning designation that provides an opportunity to designate a land use for a piece of property and the fact that through that conceptual designation, they are also able to establish a general intensity of lots, and general density on a project, all subject to review at the time of the Preliminary Development Plan review.

Mr. Kurtz attempted to clarify Stipulation No. 6 and the last words that say "as modified by condition herein" and advised that staff was attempting to reach the developer's objective of establishing a land use on the property. He added that at the same time they are not, as staff, prepared to go forward with a Preliminary Development Plan where specific lot sizes, setbacks and densities are designated. He emphasized that these are all functions of a Preliminary Development Plan. He added that if the developer is prepared to take that step and finds that satisfactory, in order to take their next step in developing the housing product and establishing the densities, subdivision layout and lot sizes. He added that the Clemente Ranch Area Plan designates the property for single family. He noted that from a PAD conceptual standpoint, sufficient documentation exists to grant a conceptual PAD and everything else is subject to the Preliminary Development process. He added that at the same time, they could also accomplish that same goal by causing the Preliminary Development Plan to be reviewed jointly with the zoning and the ability exists to also "back up" and proceed in this manner. He stated that at that point, it would be appropriate for the Committee to continue the case until the balance of the materials were to "catch up" with the application. He noted that the entire package could then be presented at the same time, which was actually staff's preference.

Additional discussion ensued relative to the fact that the lot density and lot layout might need to change in order to accommodate the type of housing product that is being proposed; the fact that in order for staff to concur with the proposal being presented, the product would have to be extremely unique to warrant those setbacks; the fact that they could go ahead and state that the property is appropriate to be zoned single family, but the exact development densities need to be subject to a Preliminary Development Plan.

In response to a question from a member of the Commission, the applicant stated that based on what has been said during this meeting, he would prefer that the case be continued for an additional three or four weeks. He said that this would provide him with a certain "comfort level" and he feels confident that he will be able to bring back a "full package" that will be acceptable to the members of the Commission.

Discussion ensued relative to this issue and the importance of presenting a unique product for the members to consider, the benefits associated with allowing the applicant additional time to develop the "entire project" and address issues such as sidewalks, etc., and appreciation on the part of the applicant to staff for their efforts and for the opportunity to address the members of the Commission.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY that DVR03-0010 REZZONICO DAIRY (HOMESTEAD PARK) be continued to the October 1, 2003 Planning and Zoning Commission meeting. **MOTION CARRIED UNANIMOUSLY by those present (4 to 2).**

I. PDP03-0014 BIAGIO (VILLAGE AT WILDTREE)

Principal Planner Bob Weworski provided the members of the Commission with background information relative to this request to amend an existing Preliminary Development Pan for the pharmacy and multi-family uses and minor site improvements for a mixed-use development located at the northeast corner of Rural Road and Chandler Boulevard. He noted that the project is approximately 21 acres in size and added that the application was previously approved with the Preliminary Development Plan for a mixed-use "village concept," which featured Tuscan-style architecture with different uses "truly" integrated together to form a concept that provides the ability for both multi-family residential development, retail, commercial and office development as well. He explained that this is an application that was continued from the June 18th Planning Commission meeting and was referred to the Design Review Committee in order to further discuss some of the design issues related to the building architecture as well as issues relating to signs, site improvements, etc.

Mr. Weworski asked the members to recall that from the Design Review meetings, the applicant did bring forward some suggested improvements based on comments from the Planning Commission meeting. He said that in this case, the request for the multi-family development is to change the use from the apartments that were originally approved to condominiums, therefore changing the amount of units from 179 apartments to approximately 116 condominium units. He added that discussion also took place relative to originally enhancing the architecture to be more "Tuscan style" and "in tune" with adjacent buildings and uses. He said that in staff's opinion, the applicant has done a commendable job by providing those features, the colors, and overall blending the project extremely well.

Mr. Weworski pointed out that staff has added Stipulation No. 2. as a result of some discussion about wanting to integrate some of the original stone features that were found on the apartment buildings, i.e. *"The applicant shall work with Staff to provide stone features on the clubhouse building and selected segments along the arterial street parking screen walls."*

Mr. Weworski advised that a stipulation was also received from the Commission in that regard as far as the stone material and read the following Stipulation No. 7 into the record:

"The applicant shall work with Staff to provide stone and masonry material at the drugstore, the retail shops, pad buildings and office buildings to achieve a more diverse building material palette."

Mr. Weworski commented that staff believes there are a number of ways to accomplish this goal. He also discussed talks that took place regarding the pharmacy building as proposed on the intersection corner at the site and said it was originally approved for an Osco Drug Store, which featured a building more than a landscaped setting. He added that issues were raised relative to placing it on the site in a proper manner. He reported that the applicant is now proposing an Eckerd Drug Store, similar in concept in size, however, the applicant wants to move the building to have parking around that. He added that they are providing enhanced architecture that is reflected throughout the other buildings as far as the Tuscan-style architecture. He said that Staff supports the proposed building site change and the architecture.

Discussion ensued relative to issues that were raised during the Design Review process such as signs and the service door at the pharmacy building itself; concerns regarding the actual amount of signs on the pharmacy building site; the fact that signs for the original Osco that was approved were limited to just the Osco name on the sign on the building and the drive-through portion of the building had a drive-through pharmacy sign; a suggestion that was made at the Design Review meeting to move some of the signs as proposed at the intersection corner further away from that corner and Staff's Stipulation No. 3, which reads:

"The pharmacy building sign modifiers oriented toward the street intersection shall be relocated to the east side of the south elevation and the north side of the west elevation."

Mr. Weworski also commented on Stipulation No. 4 that has to do with the service door and working with Staff to provide additional screening as follows:

"The applicant shall work with Staff to provide additional screening for the pharmacy building service area such as raising the height of the adjacent screen walls and providing additional trees and shrubs in the parking area and landscape frontage along Chandler Boulevard."

Mr. Weworski noted that one of the other discussions had to do with the central driveway feature and said that the applicant is wanting to provide more of a "soft-

scape" or perhaps farmers' markets in this area. He stated that staff supports this concept, however, what is being proposed is to have it occur more in a retention basin area and staff believes the site should be "high and dry." He said that staff therefore drafted Stipulation No. 5, which reads as follows:

"The proposed turf space located between the central driveway feature and the hybrid building shall be level in grade without storm water retention."

Mr. Weworski commented on the office buildings along Chandler Boulevard and said that this was approved with PDP for the buildings as proposed on the site featuring five different office buildings in a landscaped setting, single story in nature. He noted that discussion took place during Design Review relative to working with staff to enhance those elevations and provide additional architectural elements. He noted that the only change being proposed by the applicant is to add some more monument signs along Chandler Boulevard. He said that staff's opinion is given the site orientation of the building, the angle in nature, and the landscaped setting, that the proposed elevations really do not do the project justice as far as what is being presented in the booklet. He added that staff does believe that the buildings could be enhanced architecturally with some features, but that it might not be absolutely necessary.

Mr. Weworski also read Stipulation No. 8 into the record, which was received from the Commission as follows:

"The applicant shall work with Staff to provide design elements at all office buildings, such as vertical relief elements, parapet walls, and trellis features between buildings A, B, C, D & E to tie buildings together."

Mr. Weworski stated that a letter has also been received from the neighborhood representative of the adjacent Wildtree subdivision and the representative believes that perhaps some enhancements should be made to the office buildings as well from an architectural point of view. He said that the final issue relates to phasing of the project and noted that the applicant is wanting to try to develop the site and have some flexibility in the phasing area whereby they could develop portions of the site without a number of different buildings going on as part of phase one.

Mr. Weworski commented that in an effort to meet code standards for the commercial development, Staff has included Stipulation No. 6. which states as follows:

"The first phase of construction shall include a building of at least 12,000 square feet in size. The perimeter wall along Rita Lane shall also be developed during the first phase of construction."

Mr. Weworski reported that Staff recommends approval and believes that the "village type" project is definitely unique. He added that the applicant has retained a lot of the unique features and Staff is excited about the project going forward.

Vice Chairman Flanders thanked Mr. Weworski for his presentation.

Discussion ensued relative to proposed signage and its location on the pharmacy building and staff's recommendation that the signage be moved away from the corner to the far ends of the elevations where the drive-through elevation would be relocated to the east side of the south elevation and the food mart and one hour photo would be moved north on that west elevation; the fact that the Osco building received approval without "modifiers" and with just the building sign; staff's original recommendation that the signage be approved without modifier signs; the applicant's opinion that the sign modifiers are a critical component; and the fact that the nearby Walgreen's Pharmacy does include some modifiers.

Scott Schirmer, the developer of the Biagio project and applicant in this case, addressed the members of the Commission and noted that the land has been owned by the Ball family for 90 years. He spoke in strong support of the architecture and unique features that have gone into developing this proposal, that has a southwestern Tuscan feel to it, and note that the project is also low intensity. He said that they are seeking approval for the residential portion, which has changed from multi-family to condominium, lowering the density from 179 units down to 116 and also the site plan of the Eckerd Drug Store. He stated that they support Staff's recommendation on Stipulation No. 1 as well as Stipulation No. 2 except for the last part of that stipulation where it asks for stone features on the site walls around the project. He added that they also support Stipulation No. 3, Stipulation No. 4, Stipulation No. 5 and Stipulation No. 6 except for what was discussed in the Design Review meeting relative to it going in when the residential portion of parcel number seven was developed or within two years, whichever came first. He explained that the reason behind this is the difficulties associated with all of the different agreements between all the parties. He expressed the opinion that the fence will not interfere with Wildtree at all by not being developed within that two-year time stipulation.

Mr. Schirmer advised that they are not in agreement with Stipulations No. 7 and No. 8 and said that they have spent a lot of time on the various architectural features of this project and they do not believe they can proceed with the project based on meeting those two stipulations.

In response to a question from COMMISSIONER HEUMANN relative to why the applicants do not feel that the project could go forward if Stipulations No. 7 and 8 must be met, Mr. Schirmer stated that a similar project has been developed already at 1300 North McClintock, between Ray and Warner Roads. He referred to pictures of that particular project and other renderings. He also commented on what they refer to as a "hybrid building," or a retail condominium building, and discussed the extensive renderings, architectural drawings and significant modifications that have been done to date in this area. He emphasized that the project will be successful without Stipulations 7 and 8.

Additional discussion ensued relative to the loading dock or "access door" and the applicant's belief that the screen walls will provide sufficient "blockage" and screening/additional landscaping, the fact that the roll up doors are small

(approximately 10 to 12 feet in height);and staff's intention to work with the applicant to hide the door as much as possible from view and ensure that the paint color matches the facade of the building.

VICE CHAIRMAN FLANDERS asked if there were any members of the audience who wanted to come forward to speak at this time and there were none. He said that right from the beginning he liked what the architect has done on this application as far as architectural style and his efforts to provide a quality development that changes everything out. He added that as far as the revised stipulations and working with staff, he believes that the changes will provide a little more of a diverse palette for the development and stated the opinion that all of the combined efforts will result in an extremely nice development.

COMMISSIONER HEUMANN concurred that the proposed stipulations are very appropriate and not that difficult to attain. He agreed with the applicant's comments relative to Stipulation 6, on the two-year time stipulation, and having the wall up through the phasing or actually at the end of the two years. He also discussed Stipulation No. 3 and said since they are going to have a loading door on Chandler Boulevard, he would be willing to do that and have the signs go away to what the original intent of that corner was and directing traffic with the pharmacy sign along the corner. He said that otherwise he thinks the project is a good one and likes the idea of the condominiums.

VICE CHAIRMAN FLANDERS stressed the importance of clarifying the stipulations as far as signage issues and the loading doors and added that he certainly does not have a problem with screening it. He asked for input from the members relative to the signs and discussion ensued relative to modifying the stipulation regarding signage on the building. Brief discussion ensued relative to this issue.

MOVED BY COMMISSIONER HEUMANN that PDP03-0014 (Village at Wildtree) be approved subject to the stipulations as outlined, including the following changes:

Stipulation No. 3: The pharmacy building signage will be limited to Eckerd signs and drive-through pharmacy signs as previously approved by Planning Commission and Council for the prior project; and on

Stipulation No. 6: The perimeter wall along Rita Wall shall be developed within the phasing or within the two years, whichever comes first.

Commissioner Heumann added that he did not have any problems with any of the other stipulations.

COMMISSIONER POLVANI SECONDED the motion. **MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT (4 TO 2).**

(VICE CHAIRMAN FLANDERS declared a brief recess at this time and the meeting shortly reconvened.)

J. DVR02-0044 SAN TAN PLAZA PHASE II (WAL-MART SUPERCENTER)

Planner II Geir Sverdrup addressed the members of the Commission relative to this agenda item, and said that the members have seen this item before and it is for a Super Wal-Mart supposed to be located adjacent to San Tan Plaza, Phase I, which has a Kohl's and a bank, free standing pharmacy and some in-line retail. He noted that the property is located at the northwest corner of Willis Road and Arizona Avenue. He said that the request is to rezone approximately 13 acres from PAD (Residential) to PAD (Commercial), together with the large single use retail component and is also a request to amend 10 acres of the PAD Commercial for San Tan Plaza Phase I, which is inclusive of the Kohl's and amend that to allow a large single use component. He explained that this would allow a 203,000 square foot Wal-Mart to be constructed at the site. (Applicant: Kimberly Grimm, Continental Properties, Inc.)

Mr. Sverdrup stated that due to the non-compliance with the large single-use retail ordinance, which is similar to what Staff came forward to them with in April and June, Staff is recommending denial of this application. He discussed efforts to review the proposal for General Plan compliance as well as Area Plan compliance and found that the site is designated Commercial Node in the General Plan, which allows for community and neighborhood commercial with sizes anywhere up from 140,000 to 300,000 square feet. He reported that this site, in conjunction with the Kohl's free-standing buildings and the in-line shops, comes up to approximately 326,000 square feet in total. He noted that the applicant, Kim Grimm of Continental Properties and Ralph Pew, an attorney representing the applicant, are present at the meeting and willing to provide input and respond to questions from the members of the Commission.

Discussion ensued relative to property boundaries and surrounding zoning, including existing and planned residential development and San Tan Plaza Phase I; Large Single Use Retail Ordinance (LSUR) regulations that state that any retailer of this size maintain *"a minimum distance of one thousand five hundred (1,500) feet, as measured on a straight line, shall be required from the nearest property line of any parcel currently zoned for low-density single-family residential use to the nearest exterior wall of the Large Single Use Retail Building* and the fact that the Alma School Place subdivision constitutes such a Low-Density, single, family residential use and therefore LSUR is applicable; the fact that there is currently a separation of approximately 242 feet from the edge of the Alma School Place subdivision to the edge of the Wal-Mart Supercenter; and the fact that although the separation can be waived or modified by the City Council if certain conditions are found, Staff does not believe that the proposal demonstrates superior architecture or site development techniques that warrant a departure from the Ordinance requirement.

Mr. Sverdrup briefly discussed the following reasons why the Council could possibly decide to waive or modify this condition, and stated: *The 1,500 foot*

distance may be reduced or waived altogether by Council if based upon a finding that the Large Single Use Retail Development proposal demonstrates a combination of superior architectural or site design techniques, such as, without limitation:

- * Attaching other accessory retail shop space and storefronts to displace at least a portion of what would otherwise be a lengthy exterior from wall plane of the Large Single Use Retail building. No other retail shop space has been proposed. The proposed building's front elevation begins to give the appearance of multiple buildings;*
- * Extensive greenbelts not less than 100 foot in width that can feature mature landscaping, architectural theme walls, and terraces that cause the finished grade of the Large Single Use Retail building to be at least six feet lower than the finished lot grade of the nearest low density single-family residential use. The greenbelt is 100-180 feet in width along the Alma School place subdivision. The actual grade of the LSUR site is approximately 4 feet higher than the adjacent residential.*
- * Relocation of loading docks and overhead bay doors to another side of the building which does not face any adjacent residential use, and which in turn causes elimination of any rear service drive or other means of access to the rear of the building other than pedestrian doors. Loading docks are located on the building's north side facing the future freeway. However, trucks still circulate on the residential side prohibited only by signs, not physical deterrent and one small delivery door is proposed adjacent to residential properties. A set of overhead delivery doors face the residential properties and the maneuvering area for all truck traffic is adjacent to the residential properties.*
- * Completely separating the Large Single Use Retail building with smaller scale buildings accommodating less intensive land use(s), which provides an effective transition to any adjoining residential use. No smaller scale buildings or transitional land uses have been proposed.*

Mr. Sverdrup also discussed extensive efforts expended by Staff to review site design and emphasized that this is an area that could possibly offer the applicant some "relief" had the applicant chosen to develop a super site design that is unique, appropriate, quality and offers a compliant design. He commented on the fact that right now the site has been reoriented from the last time the members reviewed it and noted that the building originally backed up to the Alma School Place subdivision, with its front facing Arizona Avenue. He noted that the building now backs onto the Santan Freeway and the front of the building faces Willis Road. He said that the applicant has effectively removed truck traffic from adjacent to Alma School Place by bringing up the main boulevard between the Kohl's and the Wal-Mart but said that once again, while they are maneuvering an area over next to the residential and they are only prohibiting the truck traffic from adjacent to Alma School Place by signs, there is no curb, gutter or any physical constraints to prevent them from moving along from the Alma School Place subdivision.

Discussion ensued relative to various enhancements made to the site plan by the applicant as well as changes which include the addition of a drive-through pharmacy, that has been placed close to the residential development and has the potential of increasing noise, traffic and odor; the fact that the building's architecture begins to "break up" in the front and gives the appearance of smaller, individual buildings while still presenting itself as one single large-use retailer; large, landscaped pedestrian seating areas that are proposed throughout the site; the fact that traffic continues to remain a major issue of concern and Staff's opinion, after reviewing the Traffic Impact Analysis submitted by the applicant, that due to the project's impact, traffic generation and Willis' Roads' condition, the development would generate the need to construct the full-width collector standard for Willis Road, which includes two thru lanes and a double center left-turn lane; the fact that the improvement would extend from the western end of Kohl's (San Tan Plaza Phase I) improvement west to Alma School Road, exempting any improvements that are part of the Alma School Place subdivision; the fact that the project will be responsible for 60% of the traffic signal cost at Willis and Alma School Roads and improvements will include two lanes with a continuous center turn lane widened at the intersection, curb, gutter and streetlights.

Mr. Sverdrup commented on the fact that a corrected, revised Traffic Impact Analysis has been submitted and is being reviewed by Staff. He added that neighbors have reviewed the Traffic Impact Analysis and have concerns that the analysis does not accurately depict the traffic conditions that will be generated by the Supercenter and other commercial projects proposed at Willis Road and Arizona Avenue. Discussion also ensued relative to holiday traffic and the fact that this is a typical, normal occurrence.

Mr. Sverdrup discussed signage and the fact that the original proposal for San Tan I approved two monument signs, one along the Santan Freeway and one on Arizona Avenue. He said there are no additional monument signs being proposed with this addition and the monument signs currently have three tenant panels and this was approved under the original PAD. He explained that the applicant is proposing pan-channel letters, and internally illuminated with Plexiglas inserts. He noted that Staff is of the opinion that the reverse pan-channel letters with the halo lighting would be a better alternative, offers a softer appearance and begins to meet some of the additional quality standards for signage that Staff would like to see in the Commercial Design Guidelines.

Discussion ensued relative to several neighborhood meetings that have been held between the applicant, and residents/landowners from the surrounding area adjacent to the site; the fact that the neighbors responded both positively and negatively about the proposed Supercenter; positive comments centered on convenience of shopping; negative comments centered on the project size being out of scale with existing residential; the increase in the traffic impact; and the reduction of property values; the fact that the applicant has held additional meetings with specific neighborhood groups to address their individual issues; property posting and letters of notification that were mailed out to all property owners within 300 feet of the subject property; the fact that Staff has received letters, e-mails, and a petition with 25 signatures in opposition as well as e-mails

and a petition with 83 signatures in support of the requested development; and the fact that copies of the petitions, e-mails and letters have been provided to the Commission under separate cover and are included in the file.

Mr. Sverdrup discussed concerns of residents who live along 108th Way and explained that these residents are more concerned with school bus pick-up of their children along Willis Road and trash collection. He noted that 108th Way is a private road, which does not meet City standards for width or construction. He said that neither the City trash collection truck nor school buses can utilize 108th Way safely. He explained that Continental Properties is willing to reconstruct 108th Way to accommodate such traffic, however, not all the residents are willing to have additional traffic in their residential area. He said that Continental Properties would be willing to construct a Willis Road bus bay to accommodate a bus or trash truck but the right-of-way is not currently available. He added that residents are also concerned about the ability to enter and exit their area with the additional Supercenter traffic.

Mr. Sverdrup also informed the members of the Commission that a main concern of the Alma School Place residents is the traffic increase on Willis Road and their ability to enter and exit their subdivision. He said they believe that the site is inappropriate for any large single-use retail use and are of the opinion that any large single use retailer will have an adverse impact on property values and further, they would not have purchased the homes had they been aware of such a use being proposed adjacent to the subdivision.

Mr. Sverdrup advised that Staff, in finding the application to be inconsistent with the Large Single Use Retail Ordinance, recommends denial of this request to rezone approximately 23.026 acres from PAD (Residential) to PAD (Commercial).

VICE CHAIRMAN FLANDERS thanked Mr. Sverdrup for his presentation and emphasized that the issues being discussed this evening deal with land use only and any design issues, as far as building and site, will be reviewed during Design Review Session or future Commission meetings.

Ralph Pew, 10 West Main Street, Mesa, an attorney representing Continental Properties, the applicant in this case, addressed the Commission. He commented that typically the applicant would prefer to bring all of the issues before them "wrapped up" with everyone in agreement to the extent possible but said that unfortunately this will not be the case this evening and there will be discussion from neighboring property owners who have raised some concerns.

Mr. Pew said that the applicant has always viewed the site as a good one and appropriate location in Chandler and felt that it could qualify under the Large Single Use Retail Ordinance (LSURO) in the community. Mr. Pew stated that the real issue this evening is a recommendation from this Commission to the Council on the land use, changing the roughly 13 acres of the existing Alma School Place subdivision from PAD (Residential) to PAD (Commercial) and amending approximately 9 acres of the existing Kohl's shopping center from its approved plan all in an effort to accommodate a Super Wal-Mart.

Mr. Pew stated the opinion that as far as the LSURO, he believes that there are a couple of ways of dealing with this issue and how the Commission and ultimately the members of the Council can apply the ordinance to the facts in this particular case. He agreed with the comment contained in Staff's Report relative to the fact that the development of the Alma School Place subdivision, immediately adjacent to the west, did not occur in the overall context of a PAD, it included both residential and commercial components. He added the opinion that this project clearly does not "fit" under that exception and the applicant is not claiming that it does. He added, however, that what they had intended to do originally in this case, was to deal with the 1500-foot separation requirement by providing what the City's ordinance calls "full and adequate disclosure" to those individuals who are in the vicinity.

Mr. Pew said that unfortunately in this particular case, the requirement to give "full and adequate disclosure" is a practical, technical matter, that should have been imposed upon the zoning case when Alma School Place was done but this did not occur and the subdivision was approved prior to the adoption of the LSURO. He emphasized that there was no way to include that requirement at that time. He stated that the best thing the applicant could do in this case was to attempt to retrofit into the ordinance a disclosure requirement but unfortunately for whatever reason what they as the applicant had hoped would be given out as disclosure to property owners at Alma School Place clearly was not what those people signed. He explained that this was learned at the hearing that was held approximately six or seven weeks ago. He informed the members of the Commission that they have held multiple meetings with as many of the prospective property owners at Alma Place Subdivision as they could and, in addition, a couple of additional group neighborhood meetings have been held to discuss this issue.

Mr. Pew said they are here this evening to request that the members of the Commission look at their LSURO and realize that an opportunity still exists to build a large, single use retail facility within 1500 feet of a single family residential subdivision if certain criteria is met and added that Staff has clearly and accurately described what those are. He said that the difference is the difference in opinion that exists with Staff and their interpretation of that. He noted that there are four items listed that can be used to waive or mitigate the 1500 feet and he stated the opinion that the project already complies with a couple of them and that the Commission and the Council has the discretion to decide which ones need to be complied with. He pointed out that it does not state that all four conditions must be met, it merely states that they are "examples" of what could be done for site design. Mr. Pew said that the one item the applicant clearly cannot meet is the separation of the Wal-Mart building from the residences to the west, and, referring to a site plan displayed in the Council Chambers, noted that insufficient room exists in which to relocate or move the building in this area.

Mr. Pew expressed the opinion that they do meet some of the other criteria, in particular the concept of accessory buildings. He said that the idea here, as previously indicated by Staff, was to create a situation where a big box (so to

speak) wasn't isolated by itself but rather was incorporated into an overall project. He added that their view of this issue is that the accessory buildings that relate to this Wal-Mart facility are included in the overall site plan for the Kohl's project. He added that they, as the developers, have always viewed this as an integrated project in two phases and by combining these two projects together as they have, and orienting the building facing Willis with the loading docks to the freeway, they have created a situation where other shops are in the vicinity, they are not attached, but they are included as part of the project and constitute, in their opinion, accessory uses. He urged the Council to determine that those uses are reasonable and acceptable under the ordinance.

Mr. Pew noted that the other requirement was to create at least a 100-foot buffer with, as Staff indicated, a six-foot depression in the elevation of the large user. He stated that in this instance they have created the 100-foot buffer and in many spots it is more than 100 feet but they cannot, from an engineering view, depress the structure to qualify for the six-foot difference in grade variation. He said that they have complied with part of the suggestion but unfortunately cannot comply with all of it.

Mr. Pew advised that the fourth criteria for waiver/modification involves keeping loading docks away from neighborhoods and he said that in this particular case, this is exactly what they have done with the reconfiguration of this site. He pointed out that the loading docks are now located adjacent to the freeway and the truck traffic is intended to circulate through the site, come to the rear of the site and go back out to Arizona Avenue. He discussed plans that were made to design the docks in this manner and added that if it would be preferable to block the truck traffic from heading back west on Willis Road, physical impediments could be designed and created that would accomplish this goal.

Mr. Pew reemphasized his opinion that the proposal does meet the criteria, at least some of them, and the Commission and ultimately the City Council has the discretion to determine whether that is sufficient. Mr. Pew also took this opportunity to briefly highlight some of the things they have done with and to this site that are a little bit unusual, such as committing to a \$1.4 million dollar roadway improvement (Willis Road), which creates the roadway improvements that Staff indicated will travel all the way from Willis and Arizona Avenue to Willis and Alma School, except for the portion that was already improved by Capital Pacific for the residential subdivision. He also emphasized extensive effort that has been expended to study and address traffic concerns and enhance safety and asked the Commission to consider the recommendations of Staff in the important area of roadway improvements and the fact that what the applicant is proposing is sufficient, will work and allow for efficient traffic movement at this site.

Mr. Pew also mentioned the property owners who live on 108th Way and said he can understand and sympathize with their concerns regarding simply general impacts on their community. He discussed discussions that took place relative to the possibility of actually going into 108th Way and improving a portion of that Way within the subdivision to accommodate a wider area for buses to pick up children and for City vehicles to pick up solid waste. He reported that

unfortunately they have heard that the offer was not accepted and the District is not really interested in entering into the subdivision to pick up students. He added that the traffic vehicles would also have a very difficult time picking up traffic within the existing small "turn around" area. He also discussed their willingness to accommodate a wider area on Willis Road if there was right-of-way to accomplish that or if one of the property owners was willing to convey a portion of their property to allow wider area of their property to be built for bus children pick-up and solid waste pickup.

Mr. Pew stated that they typically come before the members of the Commission with projects that at least have most of the issues worked out but said that unfortunately tonight they are not in that situation and requested and encouraged the members to recommend approval of the land use because the applicant meets a number of the suggested criteria for the separation requirement. He indicated his willingness to respond to questions from members of the Commission.

COMMISSIONER HEUMANN thanked Mr. Pew for his presentation and expressed the opinion that a difference of opinion exists relative to what constitutes the variances relative to the big box ordinance. He said that he does not consider 10,000 square foot cold storage buildings to be accessory buildings and said that in terms of the traffic study, he has concerns about traffic being generated even during the normal times of the year as well as the holiday periods and highlighted statistics during both periods. He stated the opinion that this large use on a "collector-type" street is inappropriate and constitutes a safety hazard.

Mr. Pew reiterated that he concurs with Staff's statement that streets not be designed for the most maximum usage during the holiday season and said that although he agrees with Commissioner Heumann's calculations and numbers, the applicant does not believe that this is the right test to apply to the traffic study.

VICE CHAIRMAN FLANDERS stated that a number of speakers have submitted slips to speak on this item and when he calls out their names he would like them to present their comments.

Laura Lambson, 1528 South 108th Way, read the following statement into the record:

"My name is Laura Lambson, my residence is 1528 South 108th Way Chandler, and I am just to the southwest of the area requested to be rezoned. I have lived at this address for approximately 14 years, my husband has resided there for approximately 32. Let me begin by dispelling the conclusion that everyone jumps to -- just because I do not believe a Super Wal-Mart belongs at this site, means that I am "anti-Wal-Mart." I shop at Wal-Mart when the deals are good and what I object to is the placement of this project. This development is very different from the other developments that have come to Chandler in recent years. For example, Alma School and Queen Creek has a development with Target and Basha's and that is a good place for and they are built on four lane

roads with turn-outs. The project we are discussing here tonight is being placed at the intersection of Arizona Avenue, which is a six-lane road and is a street to the east. It will then be bordered by Willis Road, where specifically this project is facing Willis Road, a two-lane road. While Arizona Avenue is going to be the major road that I think they are depending on, the problem with that is people exiting off of the Santan Freeway, as I understand it, will be turning to the south and they will have an entrance right there at the Kohl's and they can proceed right across Kohl's parking lot to Wal-Mart. The more direct route would be to travel south to Willis Road and then proceed west on Willis Road to the parking entrances directly in front of Wal-Mart, since the Wal-Mart does face Willis. Upon leaving Wal-Mart, the best choice for most people to return to the Santan Freeway would be to make a right turn out of Wal-Mart onto Willis, proceed to Alma School, and make another right to return to the Freeway ramps. This totally eliminates the need for left hand turns and this is where my disagreement with the project begins. Willis Road is not a major arterial road of six or four lanes, it is not even designated as a minor arterial road or major collector road on the long-range roadway plan found in the General Plan for the City of Chandler. It is a road that winds through a subdivision one half mile west of the proposed rezoned area and dead-ends one mile to the east of the rezoned area. With all due respect to the "number crunchers," Willis Road is simply not a road that can handle the major traffic that will most assuredly come from the Super Wal-Mart. It is going to have major negative impacts on the adjacent owners, including safety issues, and as a side note, 108th Way has only one entrance/exit to Willis, we have one choice only. Expounding on that, we have garbage collection, which was stated. Garbage cans sit on Willis Road as they do all along, not just on 108th Way. This is a necessity that cannot be changed, the City will not collect the cans off of 108th Way because it is a private road. School bus collection is also done for our children and others to the west of 108th Way on Willis Road. The bus did a trial run on 108th Way and found that it cannot make the turn around in our common area and I am aware that Continental Properties is aware that they have a design solution for us to rectify that. We have discussed with Mr. Pew this partial solution, because it does not guarantee complete access to our area. This is not going to work. All residents of 108th Way would have to be willing to give up property for the widening of their road to accommodate Continental Properties. We all share ownership in this common area and all would have to be in agreement to reduce the common area. If this were to be accomplished, and Continental Properties did take responsibility for widening 108th Way, who then would be responsible for the increased upkeep and maintenance costs for having garbage trucks, should the City allow that, and buses. Are the residents going to be expected to pay for the road maintenance? In conclusion, if this project belongs on Willis Road, then Continental Properties must make the limitations set by the City of Chandler and the Chandler Unified School District, that we have lived with for many years, work for them. If this project belongs on Willis Road, it will fit into the land area without need for variances in the Code, like reducing the area in the project and single family areas from 1500 feet to 100 plus feet. I've said it

before and I have to say it again, if this project were on the corner of Arizona Avenue and Pecos, which is a major arterial street slated for widening in the future, it would meet the City's zoning requirements governing box structures without the requested variances. We are not anti-Wal-Mart and we want the City of Chandler to know that. We are against the City of Chandler literally "squeezing" a large box store in an area where it does not fit. Please take note of our concerns and remember that we did not oppose the Kohl's that is currently under construction. We know what works for our area. I understand that the Staff has recommended denial of this zoning request and I urge the Planning and Zoning Commission to concur with their in-house, expert Staff recommendation. Thank you.

VICE CHAIRMAN FLANDERS thanked Ms. Lambson for her comments.

Pauline Bedsworth, 777 West Chandler Boulevard, #1266, said that she has been following this issue for a very long time now and has watched time after time as citizens have fought against having Wal-Marts in this and other cities. She commented on the fact that freeways have now been built that can manage the traffic and provide access and said that although there will probably never be an absolutely perfect location for a Wal-Mart store such as this, the current location is a pretty good one and she spoke in support of approving the zoning and allowing the project to come on line. She commented on the positive impacts of the project on the City such as significant road improvements on Willis and increased sales tax revenues and asked the Commission to recommend approval to the Council.

VICE CHAIRMAN FLANDERS stated that a group of speakers from Alma School Place would now like to present comments on this issue.

Michel Agic, 654 West Remington Drive, Alma School Place, said that the residents and homeowners on 108th Way are very concerned with the traffic on Willis Drive. He said that a serious omission in a Traffic Study has occurred twice and has been overlooked by the City of Chandler's Traffic Engineer. He briefly referred to errors he believes are contained in the studies and the Traffic Engineer's August 4th memo relative to this issue. He commented on the fact that Alma School Place and 108th Way are landlocked and Willis Road is the only access to the homes. He urged the Commission to protect their safety and protect the quality of life in the Alma School Place neighborhood.

Rob Krautheim, a Police Officer for the City of Chandler speaking as a citizen, said that he would provide his address following the meeting. He said he will soon be a resident of Alma School Place and indicated his intention to bring up the issue of crime that has not been raised up to this point. He stated that he was aware of the fact that a Kohl's Department store was going to be developed at that location but was not aware of the fact that a Wal-Mart was also planned. He noted that as a Police Officer, he is aware of the fact that density of population usually leads to increased costs for services for the Police Department and he obtained information relative to calls for service from the Chandler Police Department themselves at locations similar in size. He provided a brief overview of the statistics that he obtained and, based on the information provided, stated the opinion that the proposed project will result in enhanced crime and negative impacts

on public safety. He requested that the Commission vote to deny the request before them at this time and protect the citizens and the quality of life in Chandler.

Kori Agic, 654 West Remington Drive, in Alma School Place, commented on the intent of the ordinance under discussion and expressed the opinion that it was put into place to protect individual residential homes from being located next to large single use retail structures such as this one. She added that the proposed Wal-Mart, in accordance with the ordinance, should be at least 1500 feet away from the nearest single-family residential area and it will be less than 300 feet. She also noted that a 600-foot lower grade is also required for the building so it wouldn't "tower" over the adjacent community and said it is in fact four feet higher than the adjacent community. She referred to photographs depicting other single-use retail facilities in the area and requested that the members of the Commission deny this request and protect this neighborhood from the negative impacts that can be seen in other areas where similar projects have been allowed to go forward.

Troy Fullwood, 1342 South Tumbleweed Court, Alma School Place, stated that the applicant has put forth a lot of effort to try and address many of the residents' concerns and questions but said that unfortunately they are just coming up "short" in many of the critical areas. He said that he would have an issue with anyone trying to build a facility of this size and locate it within 800 feet of his front door. He expressed additional concerns relative to the safety of the community as a whole and noted that during a recent fire in the neighborhood, traffic and access problems compounded an already dangerous, serious, life-threatening situation. He agreed with the comments of the previous speakers relative to voting to deny the applicant's request and not allow the project to go forward.

VICE CHAIRMAN FLANDERS said he has received a speaker slip from Sandra Laney who has indicated her opposition to this case and written that "this application is inconsistent with the Big Box Ordinance." She indicated that she did not wish to speak at this time.

The Vice Chairman said he also received a slip from John Nowak who is opposed to this item as well and has written that the project "is too close to Capital Pacific Homes, will lower the value of the subdivision. What happened to the 1500 foot setback?" He indicated that he did not wish to speak at this time.

The Vice Chairman said that Rob Armstrong also submitted a slip in opposition and wrote "please do not allow this to happen." He noted that Mr. Armstrong did not wish to speak at this time.

The VICE CHAIRMAN thanked everyone who offered input, both oral and written, for their efforts, excellent points and suggestions.

Mr. Agic introduced his friend Scott who has also been involved in this issue and stated that beyond facts, figures and formulas, there are human faces and hearts involved and at risk.

Mr. Pew commented on the issue of possible outside storage in the future and the fact that the ordinance would preclude this from happening. He said that although he cannot stand up here this evening and say that a larger propensity for crime does not exist in an

area with larger densities, he believes it is pretty clear that the statistics are not evident that the reporting of crime incidents that might occur on a commercial site, whether at a fast food restaurant or a large supercenter are greater or more frequent. He agreed that now and then those instances do "spill over" and affect a residential home or community in the area, but not often and he does not believe that the statistics are clear on that. Mr. Pew stated the opinion that they have done everything they could possibly do to widen the road, and improve the traffic and noted the significant quality reputation the developer has in this area. He urged the Commission to vote in support of the request and recommend approval to the members of the Council.

In response to a question from VICE CHAIRMAN FLANDERS, Transportation Engineer MIKE MAH stated that the City's Transportation Plan lays out major and minor arterials and in some cases, major collectors, although not all, are identified as well in the plan. He said that Willis Road, being a half mile road, he would consider to be a major collector in "lower case" if you will, and pointed out that there are no definitions in place to differentiate between "major" and "minor."

Discussion ensued relative to the preparation of the traffic study, points raised by Mr. Agic and the fact that although Mr. Mah does not agree technically with a lot of the numbers he has proposed, where they differ is in the actual interpretation and how they apply those numbers.

Additional discussion ensued among the members of the Commission relative to the actual terms of the ordinance and the fact that that the applicant did not take into consideration any type of "berming or tiering" of land to help screen the buildings from single family homes; the fact that the site design is "pretty tight" and not much flexibility remains; the fact that the 1,500 foot requirement is not being met; and the Commissioners' overall comments that they cannot support the request in view of the deficiencies that exist in the overall plan and it's inability to meet the conditions of the ordinance that was put in place to protect residents in neighborhoods such as this and their quality of life.

COMMISSINER HEUMANN stated that there is a request before them this evening for a PAD with a PDP Plan and he would like to separate the issues and only address the PAD tonight. He said he believes the PDP should be addressed at a later time and if the Council over-rides the Commission's vote this evening, the PDP would come back to the Commission.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY, to recommend to the Council that they deny the PAD request (DVR02-004 SAN TAN PLAZA PHASE II - WAL-MART SUPERCENTER) as presented. **MOTION CARRIED UNANIMOUSLY** by those present. (4 to 2).

VICE CHAIRMAN FLANDERS thanked everyone for their comments and explained that this item will go before the members of the City Council for their review and consideration.

5. DIRECTOR'S REPORT

There was no Director's Report at this time.

6. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting will be held on August 20, 2003 at 5:30 P.M. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 S. Delaware Street, Chandler, Arizona.

7. ADJOURNMENT

The meeting was adjourned at 7:53 p.m.

Michael Flanders, Acting Chairman

Douglas Ballard, Secretary

MINUTES OF THE AUGUST 20, 2003 PLANNING AND ZONING COMMISSION MEETING OF THE CITY OF CHANDLER, ARIZONA, held on August 20, 2003 in the Council Chambers, 2nd Floor, Chandler Public Library, 22 South Delaware Street.

CHAIRMAN RYAN called the meeting to order at 5:35 p.m.

2. Pledge of Allegiance was led by Vice-Chairman Flanders.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Mark Irby
Mr. Michael Flanders	Ms. Jeanette Polvani
Mr. Rick Heumann	Mr. Brett Anderson

Absent & Excused: No absences

Also Present:

Mr. Thomas Ritz, Planner
Ms. Ashley Bailey, Planner
Mr. Bob Weworski Planner
Mr. Jeff Kurtz, Current Planning Manager
Mr. Kevin Mayo, Planner
Ms. Jodie Novak, Planner
Mr. Jim Cairns, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES:

Commission Heumann noted a correction to Page 13 of the August 6, 2003, Planning and Zoning Commission meeting. **MOVED BY COMMISSIONER HEUMANN**, seconded by **COMMISSIONER IRBY**, to approve the minutes of the Regular Meeting of August 6, 2003 as presented. (CHAIRMAN RYAN noted that he was not present at that meeting and therefore would abstain from the vote.) MOTION CARRIED UNANIMOUSLY by those present and voting.

- 5A. CONSENT AGENDA:

CHAIRMAN RYAN stated that those items on the Consent Agenda are Items A, B, D, E, F AND G, with one additional stipulation to Item A "DVR02-0047/PPT03-0004 OLD STONE RANCH. Mr. Jeff Kurtz, Current Planning Manager, read additional Stipulation No. 19 into the record as follows:

19. "No more than two identical front elevations located adjacent to or across the street from each other."

A. DVR02-0047/PPT03-0004 OLD STONE RANCH

APPROVED, a request for rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a single-family residential subdivision with Preliminary Development Plan and Preliminary Plat approval for subdivision layout and housing

products. The subject property is approximately 246 acres in size and located at the southwest corner of Ocotillo and Lindsay Roads.

Staff, finding consistency with the General Plan, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibits A, Development Booklets, entitled "Old Stone Ranch," kept on file in the City of Chandler Planning Services Division, in File No. DVR02-0047, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths for Lindsay Road, Ocotillo Road, Chandler Heights Road, Brooks Farm Road, and 140th Street including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
8. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
11. All homes built on corner lots within the residential subdivision shall be single-story.
12. The homes shall have all copper plumbing for those lines under water pressure.
13. The tot lot shall be a minimum of 20 total play stations.

14. For lots adjacent to arterial and collector streets, two-story homes are limited to every third lot.
15. Prohibit roof slopes visible from arterial streets that are parallel with or perpendicular to the street by limiting identical rear elevation rooflines to no more than two (2) adjacent lots.
16. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Old Stone Ranch (DVR02-0047) development shall use treated effluent to maintain open space, common areas, and landscape tracts.

17. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
18. The developer shall work with Staff to provide a continuous equestrian trail link from Brooks Farm Road westward connecting to the equestrian trail link south of the Quail Springs development.

Staff recommends approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

B. DVR02-0038 GYM TIME

CONTINUED TO OCTOBER 1, 2003 PLANNING AND ZONING COMMISSION MEETING, a request to rezone from Planned Industrial District (I-1)/Planned Area Development (PAD) Overlay to PAD for a children's gymnastics center, along with Preliminary Development Plan approval for building architecture and site layout, on property located at 3705 W. Commonwealth Avenue.

D. PDP03-0021 ESSCO WHOLESALE ELECTRIC

APPROVED, a request for Preliminary Development Plan (PDP) approval for site layout and building architecture for an industrial building within a PAD zoning district for property located at 175 E. Palomino Drive.

Staff, finding consistency with the General Plan and PAD zoning, recommends approval subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 WESTECH PAD.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Essco Wholesale Electric" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0021, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.

E. UP03-0016 DEL SOL MERCADO Y CARNICERIA

APPROVED, a request for Use Permit approval to sell liquor (beer and wine) for off-premise consumption only (Series 10 License) at a Grocery Store and Meat Market located at 101 W. Frye Road.

Upon finding consistency with the General Plan, Staff recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 10 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. The Use Permit is not transferable to any other store location.
3. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.

F. UP03-0030 LA AZTECA

APPROVED, a request for Use Permit approval to sell beer and wine for off-premise consumption only (Series 10 License) at a Grocery Store and Meat Market located at 444 E. Chandler Blvd., Suite 4.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 10 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

G. UP03-0032 THE KEG STEAKHOUSE & BAR

APPROVED, a request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 3065 W. Chandler Blvd.

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY VICE-CHAIRMAN FLANDERS, to approve Consent Agenda Items A, B, D, E, F, and G, with the additional stipulation to Item A. **MOTION CARRIED UNANIMOUSLY** by those present and voting (6-0), with **COMMISSIONER ANDERSON** abstaining from voting on Item A.

5B. ACTION ITEM

C. UP03-0022 THE WILD HARE

VICE CHAIRMAN FLANDERS stated that he had a conflict of interest as he had done work for the applicant and that he would not be making comment or voting on this item.

THOMAS RITZ, Planner I, stated this application is a Use Permit request for continued sales in a portion of an existing restaurant as a Series 12 Restaurant license. Staff recommends approval subject to stipulations, with additional Stipulation Nos. 6, 7, and 8:

6. *The screening of outdoor storage shall include a metal mesh to match the awning screening installed inside the existing fences, with vines and shrubs installed within 30 days of Use Permit approval.*
7. *Umbrellas placed on the patio facing Ray Road shall be solid, full color with no lettering.*
8. *Banners installed visible from Ray Road for special events shall be installed for a maximum of one week.*

Mr. Ritz explained that this Use Permit came before Planning Commission previously and was continued due to the visibility of trash containers and other outside storage on the rear patio. The applicant has installed additional screening, landscaping, and as noted, he will be installing additional landscaping improvements. This is an expansion of an existing restaurant that was first permitted as the Blue Burrito. This space was originally the Bull Frog Cigar Shop, so thus the original Use Permit with no timing condition does not apply to this space. This space did have an additional timing condition placed upon it last year with a one-year time frame. The applicant is requesting an extension to the Use Permit with no timing condition; Staff recommends no timing condition. Music is provided within the restaurant and on the patio. A neighboring tenant attended the hearing to voice his concerns as to the adverse effect of the music on his business. The nearest residential development is 700+ feet to the north, and the restaurant is separated by the main buildings of the shopping center, a parking lot, and a pad building.

Regarding the neighborhood comments, the neighbor to the east, the Arizona Coffee Works, has submitted a list of concerns with The Wild Hare. Among their comments and concerns was the amount of noise from the restaurant at night and the impact it has with their own evening business with customers that come in wanting a quiet place to study. Other concerns were the broken glass in the parking lots and the noise from customers leaving the restaurant at night, i.e. karaoke night booming the bass through the wall. Mr. Ritz expressed the neighboring tenant's frustration with trying to work with The Wild Hare's owner for the past four months in trying to resolve the noise from coming into their place of business. Mr. Ritz stated that, prior to the start of the Planning Commission meeting, additional information received from The Wild Hare was passed out indicating letters of support from the landlord, from the other tenants in the remainder of the shopping center, and also an Action Plan which The Wild Hare owner drew up with the Arizona Coffee Works owner to go over the points.

Staff, upon finding consistency with the General Plan and Council adopted Community Commercial / Planned Area Development (C-2/PAD) zoning, recommends approval subject to the following conditions:

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the proposed floor and patio area plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. Conformance with representations stated within this memo regarding the applicant's intention with regard to music.
5. No alcohol shall be carried outside of the building into the parking lot or off-premises.

CHAIRMAN RYAN invited the applicant to come forward for additional statements.

Lauren Pond, owner of The Wild Hare, came forward. He stated that he wanted to clarify the issues that were raised earlier in the meeting. He stated that, when he was thinking of installing the latticework, he wasn't going to use the redwood, but instead use the composite material; however, if Planning Commission wanted him to use the metal to match, that was fine. He further stated that the umbrellas on the patio have no wording, only colored, and that he had no intention of adding anything different than that. Since the issue of the banners came up, no other banners have gone up. He stated that he'd be happy to keep to one week or less. CHAIRMAN RYAN asked Mr. Pond to address the noise issues and if Mr. Pond had discussed with the Coffee shop regarding their concerns and how the noise issue can be alleviated. Mr. Pond stated that several things have happened. One thing was the shifting of start times from 8:30 p.m. to 9:30 p.m. In original discussion with the Coffee Works, Coffee Works stated they were considering that instead of staying open until 10, they would cut their hours back to 9:30. Mr. Pond went on to say that after he received a copy of the letter that was sent out by the Coffee Works, that they then indicated that there was no way they were going to cut back their hours and they were going to stay open until 10. Mr. Pond also went on to state that in regards to Karaoke night, they only have it now on Tuesday nights. The bass speakers have been removed and the volume restricted before 10 p.m. A third speaker on the back patio, separate from the entertainment, has been removed at the request of the Coffee Works. Two existing speakers from the Blue Burrito are still on the patio.

Mr. Pond went on to say that The Wild Hare did have live bands from February through May once a month, but they have been discontinued and they have no further plans to do live music until they can find a way that it makes economic sense to do so, and to make sure that it doesn't infringe on the enjoyment of the neighbor. He stated that the Coffee Works is open a total of 98 hours per week. The total hours that is being discussed is approximately one-half hour on week days of overlap and one and a half hours on Friday and Saturday nights of overlap, which is less than 5 percent of the total hours in which there is a noise issue. Mr. Pond stated that they continue to work with the Coffee Works to try and resolve this issue. He went on to state that The Wild Hare has contracted with Arizona Tekoustics, Inc. to do a survey of the premise on both sides to determine what the noise levels are in order to ensure that they don't have any noise during that 5 percent overlap between his entertainment and the Coffee Works operating hours. A letter from the contractor has indicated that an additional mass barrier may need to be added to the existing wall, and that this could be accomplished by adding a decoupled floating wall system on either side. The choice would be the Coffee shop side due to the cost to remove and rebuild the wall on the bar side. The existing wall is 60 feet long and 17 feet high. An additional wall system would be added to the existing one, isolated mechanically on special supports with some additional panels surrounding the entertainment area. CHAIRMAN RYAN asked if the landlord has been involved with any of the mitigation. Mr. Pond stated that, up to this point, he has been keeping the landlord involved as far as keeping him up to date on the discussion that they have been having. He further stated that there is a letter in the packet that Planning Commission received indicating that he had sat down with Debbie at the Coffee Works after he had received the letters from them, which was the first time he had seen the letters. He said that they did an Action Plan to try and take care of the issues that she had, which one was the immediate removal of the speaker off the patio behind the Bull Frog. This has been taken care of. The other was to order a new ping-pong table that was more esthetically pleasing, which is on order and should be arriving next week. Removal of the bass speaker, and the noise volume that is occurring were monitored together over the last week or two to determine what the actual levels are and what exactly was the issue coming through. That has been done on three or four occasions together. Mr. Pond again stated that the patio speaker was removed. The owner of the Coffee Works had stated that the volume of the music before 10 p.m. was acceptable; however, the bass is disruptive. He stated

that over the next three to four weeks they would determine whether the changes that had previously been made have been effective. They will get together over the next week to determine what further course of action is needed; hence, the bringing in of Arizona Tekoustics in to get physical numbers on what the values are, and try to find a way to do so something that is economical to isolate the sound from the Coffee Works.

Another issue of Coffee Works was to notify them of any band schedules in advance in case Coffee Works had meetings that people were wanting to schedule for their late evenings. Mr. Pond stated that he agreed to give them at least two weeks advance notice before bringing a band back in. Currently there is no intention of doing that. If that should happen, they would bring a band in for one Saturday night once a month.

COMMISSIONER HEUMANN asked how often Mr. Pond is on the premises. Mr. Pond responded that he's usually there at least once a day, sometimes in the evening, sometimes in the morning. He has two managers that works for him: one is an evening Manager, and the other is a daytime Manager, and in addition, a kitchen Manager. Mr. Pond stated that if he is not able to be there, he talks to each Manager every day on the telephone. Typically he is at this location, and his wife is at the Gilbert location, and they split the duties at the other Chandler location.

COMMISSSIONER HEUMANN stated that the Use Permit is for a Series 12, which is strictly for consumption on premises and questioned the broken glass in the parking lot. He asked if The Wild Hare is having problems with customers taking drinks into the parking lot. Mr. Pond stated that typically the bottles that they are seeing are not longnecks, which is what they serve. Occasionally, a customer will try to sneak one out, but by liquor law and their standards, they do not allow that to happen. The Wild Hare has doormen to monitor the patios so that alcohol and juniors do not interact. Also, the Liquor Control Board with the State of Arizona wants them to check IDs at the door after a certain time in the evening, which is standard, and they are also there to make sure no one takes any alcohol out. At the end of every night they do a parking lot check to make sure bottles and broken glass are picked up. A parking lot services is supposed to come through and sweep once a week. There have been some isolated incidents in the past, but they've tried to make sure that those incidents don't occur. All of their employees have to go through liquor training, what they can and can't do. They have to be certified, and it's an annual requirement of The Wild Hare. Mr. Pond stated that he pulled the police statements from 8/1/2002 to 8/1/2003 and found there were 24 police call to the Plaza, three of which came from The Wild Hare.

COMMISSIONER HEUMANN asked the applicant that, due to the new smoking ordinance, if there are plans to realign the restaurant, and whether the smoking area and music would be up next to the Coffee Works. The applicant responded that there are no plans to do any changes internally. The bar is physically built into the premises so it's not anything that is easily changed or moved. All the ceilings are common. There are four smoke-eaters in the establishment, plus there are eight air conditioning units with charcoal filters. Mr. Pond noted that the ordinance states that if there is 51% percent or greater (in alcohol sales) then there does not have to be physical separation, and The Wild Hare's alcohol sales are over the 51%.

Mr. Pond also commented that parking in the plaza is open parking for all tenants, and they are prohibited from designating any parking, for any specific business, per their lease and landlord's terms.

CHAIRMAN RYAN asked if there was anyone in the audience who wished to comment.

Skip Pratt, 4910 W. Ray Road, stated that he and his wife are the owners of the Coffee Works and the authors of the letters that Commission has received a copy of. Mr. Pratt stated that if they had the cooperation like there is now, the letters probably never would have been written. He went on to state that they have tried numerous times to work with the applicant. Mr. Pratt said that there is no vendetta. However, he said their biggest concern is that they have been losing customers due to the noise coming from The Wild Hare. The music has gone down some since Mr. Pond received the letters of complaint. Mr. Pratt stated that he and his wife are still not happy with the situation as it stands. Bringing in the sound engineer is a great step; however, he requested that in addition to Staff stipulations, additional stipulations to the Use Permit be added to ensure they will be able to have a peaceful evening business without having to worry about what will happen next month or the month after. The request would be for: not playing the music during their business hours; building a sound wall; and moving the stereo equipment to the other side where The Good Egg is located. Mr. Pratt noted that The Good Egg is not open after 3 p.m., and approximately 50% of the Coffee Works' business comes in between 7 –10 p.m. during the weekdays, and on the weekends they are open until 11 p.m. The music comes on at 9:30 p.m., and Coffee Works is still suffering from that challenge. Mr. Pratt explained that his presence at the meeting was to try and get some relief with the Commission's assistance that will allow him to carry on with his evening business with reassurance that there's lasting ability for that to work for them.

CHAIRMAN RYAN asked Mr. Pratt if he felt like there are positive things taking place since August 6th, since the letters he wrote. Mr. Pratt stated "right". CHAIRMAN RYAN said he felt that Mr. Pratt was looking for further reassurance from Commission whereby the City could tag along and follow this matter closer than normal. Perhaps additional stipulation could be provided that would limit the time period on the Use Permit so that it would be reviewed in one year's time to ensure that these business "neighbors" are staying compatible and things are working out.

Mr. Pratt stated that this is certainly an option. He explained that from the discussions his wife had with Mr. Pond, up to the time of the letters, there is a considerable lack of confidence that what Mr. Pond says will be done, because he's made a lot of promises to keep the music down. Mr. Pratt stated that his wife has had to make dozens of trips to The Wild Hare to ask the staff to turn down the music, up until about the last 2 weeks. It is his fear that if there's not something that is permanent and lasting, something that is not able to be easily changed or adjusted, i.e. like building a sound wall, not just measuring the noise, but actually building the sound wall, or vacating the space, etc. He stated that reviewing the license after one year at least gives them a chance to come back and review the whole situation again; however, that is not exactly what they're seeking.

CHAIRMAN RYAN asked Mr. Pratt if he had spoken with the landlord. Mr. Pratt stated that the relationship he has with the landlord is quite interesting. He said that they (Coffee Works) have a sub-lease with Dietrich's Coffee; they had purchased the assets of Dietrich's Coffee. The landlord would not let Dietrich's Coffee out of the lease because of it being a public company. Mr. Pratt stated that they've had three different occasions where there were issues with the property, such as landscaping, trimming, broken glass in parking lot, etc. When they first moved to the property, there was a property manager that they were dealing with, but then Paragon terminated the property manager. Mr. Pratt said that they've tried to work directly with the landlord; however, they refuse to talk to them because Coffee Works is not their tenant.

CHAIRMAN RYAN asked if there was anyone else in the audience that would like to make comment. No one responded.

COMMISSIONER HEUMANN commented that it sounds like things have smoothed over a bit. He said that he would like to see a couple of additional stipulations. The one- year stipulation was a good idea and also add a stipulation that Mr. Pond continue to work with Staff on the sound mitigations in addition to the person he's working with already. He stated that it was his hope that by so doing it would eliminate some of the problems by knocking some of the sound down. It was also his hopes that the two would continue to talk and that in one year when everyone comes back, they will have had a good relationship. He also said that Coffee Works was having a difficult time with the landlord. Every business is important to the City because they bring sales tax into the City of Chandler. It's important to make sure that the smaller businesses to survive.

CHAIRMAN RYAN closed the floor.

COMMISSIONER HEUMANN MOVED TO APPROVE UP03-0022 THE WILD HARE and asked Thomas Ritz, Planner I to read into the record Stipulations 6, 7, and 8, and stated that he would read in Stipulation No. 9 and No. 10.

Thomas Ritz, Planner I, read the following stipulations:

6. *The screening of outdoor storage shall include a metal mesh to match the awning screening installed inside the existing fences, with vines and shrubs installed within 30 days of Use Permit approval.*
7. *Umbrellas placed on the patio facing Ray Road shall be solid, full color with no lettering.*
8. *Banners installed visible from Ray Road for special events shall be installed for a maximum of one week.*

COMMISSIONER HEUMANN read into the record:

9. *The Use Permit will be for one year.*
10. *The applicant will work with staff on sound mitigation to alleviate the noise problem of music flowing over into the Coffee Works.*

COMMISSIONER IRBY SECONDED THE MOTION. The motion was approved unanimously by those who voted 5-0 with Vice Chairman Flanders abstaining from voting. CHAIRMAN RYAN asked Mr. Kurtz and Thomas Ritz for the Council date when these cases would be heard. Thomas Ritz responded with September 11, 2003.

6. DIRECTOR'S REPORT

There was no Director's Report at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting will be held on September 3, 2003 at 5:30 p.m. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

CHAIRMAN RYAN adjourned the meeting.

Phil Ryan, Chairman

Douglas Ballard, Secretary

MINUTES OF THE SEPTEMBER 3, 2003 PLANNING AND ZONING COMMISSION
MEETING OF THE CITY OF CHANDLER, ARIZONA, in the Council Chambers, 2nd Floor,
Chandler Public Library, 22 South Delaware Street.

CHAIRMAN RYAN called the meeting to order at 5:35 p.m.

2. Pledge of Allegiance was led by Commissioner Brett Anderson.

3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Mark Irby
Mr. Michael Flanders	Ms. Jeanette Polvani
Mr. Rick Heumann	Mr. Brett Anderson

Absent & Excused: No absences

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Planner
Mr. Geir Sverdrup, Planner
Mr. Kevin Mayo, Planner
Ms. Ashley Bailey, Planner
Ms. Jodie Novak, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES:

MOVED BY VICE CHAIRMAN FLANDERS, seconded by **COMMISSIONER IRBY**, to approve the minutes of the Regular Meeting of August 20, 2003 as presented.
MOTION CARRIED UNANIMOUSLY.

5A. CONSENT AGENDA:

CHAIRMAN RYAN said that at this time, the only item that is not on the consent agenda is item C (Monterey Vista Village) and asked if anyone else in the audience would like to remove any consent items.

CHAIRMAN RYAN stated that those items on the Consent Agenda are Items A, B, D, E, F, G, H, I and J with additional stipulations. COMMISSIONER IRBY requested Item B be removed from the Consent Agenda for further discussion.

Mr. Jeff Kurtz, Current Planning Manager, stated that Staff recommended that two additional stipulations be added to Item A. "DVR03-0014/PPT03-0006 124TH STREET & RIGGS ROAD (VICTORIA MANOR)," namely:

12. *"On lots adjacent to Riggs Road, 124th Street, and Victoria Street a maximum of fifty percent of the homes will be constructed as two-story homes subject to review at the time of Preliminary Development Plans."*

13. *"A minimum of twenty feet shall be required between adjacent two-story homes."*

Mr. Kurtz added that the next modifications would be on Item J, the Villas at Ocotillo (PDP02-0036) and stated they would like to revise Stipulation #8 to read as follows:

8. *"The six buildings located on the southern portion of the east property boundary adjacent to the single-family subdivision, shall be limited to single story structures and have a minimum twenty-foot setback."*

Mr. Kurtz stated that staff would also like to add Stipulation #10, which would read as follows:

10. *"A four-foot landscape separation shall be provided between the circular entry drive walkway and the adjacent perimeter wall."*

Mr. Kurtz further stated that on Item J "PDP02-0036 VILLAS AT OCOTILLO," staff has revised stipulation No. 8 to read as follows:

8. *"The six buildings located along the southern portion of the east property boundary and adjacent to the single family subdivision shall be limited to single story structures and have a minimum 20 foot setback."*

Staff also recommended the addition of Condition No. 10:

10. *"A four-foot landscape separation shall be provided between the circular entry drive walkway and the adjacent perimeter wall."*

A. DVR03-014 / PPT03-0006 124th ST & RIGGS ROAD (VICTORIA MANOR)

(NOTE: ALTHOUGH THIS ITEM WAS ORIGINALLY APPROVED AS PART OF THE CONSENT AGENDA, IT WAS LATER DISCOVERED THAT A CITIZEN IN THE AUDIENCE WISHED TO SPEAK ON IT AND A VOTE WAS THEREFORE TAKEN TO ALLOW THIS ITEM TO BE PART OF THE ACTION AGENDA SO THAT THE CITIZEN COULD PRESENT HIS REMARKS. SEE THE SPECIAL NOTE ON PAGE 7 FOR DETAILS OF THE DISCUSSION AND ACTION THAT ENSUED.)

Mr. Kurtz further stated that on Item J "PDP02-0036 VILLAS AT OCOTILLO," staff has revised stipulation No. 8 to read as follows:

8. *"The six buildings located along the southern portion of the east property boundary and adjacent to the single family subdivision shall be limited to single story structures and have a minimum 20 foot setback."*

Staff also recommended the addition of Condition No. 10:

10. ***"A four-foot landscape separation shall be provided between the circular entry drive walkway and the adjacent perimeter wall."***

J. PDP02-0036 VILLAS AT OCOTILLO

APPROVED, a request for Preliminary Development Plan for site layout and housing products for approximately 49 detached condominium units on 12.1 gross acres located east of the southeast corner of Dobson Road and Ocotillo Road.

Staff, finding consistency with the General Plan and previously approved Planned Area Development zoning, recommends approval of the Preliminary Development Plan for housing products subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3170, in case OCOTILLO PHASE II, except as modified by condition herein
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Villas at Ocotillo" kept on file in the City of Chandler Current Planning Division, in file no. PDP02-0036, except as modified by condition herein.
3. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of the landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the homeowners' association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. The homes shall have all copper plumbing for those lines under water pressure.
7. A minimum 10-foot separation shall be provided between homes.
8. The six buildings located along the southern portion of the east property boundary and adjacent to the single family subdivision shall be limited to single story structures and have a minimum 20' setback, with the exception of the building located adjacent to lot No. 29 of the single family subdivision which shall have a minimum 16' setback.
9. All building units shall be sprinklered.

D. UP03-0025 SIDELINES GRILL & TAVERN

APPROVED, a request for a Liquor Use Permit for a Series 12 Restaurant License located at 2980 S. Alma School Rd., Suite 2 (Northwest corner of Alma School and Queen Creek Roads).

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

E. UP03-0034 MIKADO SUSHI RESTAURANT

APPROVED, a request for a Liquor Use Permit for a Series 12 Restaurant License located at 3125 S. Alma School Rd., Suite 3 (Southeast corner of Alma School and Queen Creek Roads).

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

F. UP03-0031 CVS/PHARMACY

APPROVED, a request for Use Permit approval to sell liquor (beer and wine) for off-premise consumption only (Series 10 License) at a new CVS/Pharmacy located at the northeast corner of Warner and Dobson Roads.

Upon finding consistency with the General, Staff recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 10 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

G. PPT03-0009 CHUPAROSAS

APPROVED, a request for Preliminary Plat approval on property located at the southwest corner of Dobson and Germann Roads.

H. PPT03-0008 CAMPO VERDE

APPROVED, a request for Preliminary Plat approval on property located at the southeast corner of Frye and Alma School Roads.

I. MOTION TO CANCEL SEPTEMBER 17, 2003 PLANNING COMMISSION MEETING

APPROVED, a motion to cancel the September 17, 2003, Planning and Zoning Commission meeting.

CHAIRMAN RYAN stated for the record that he would be abstaining on Item A “DVR03-0014/PPT03-0006 124TH STREET & RIGGS ROAD (VICTORIA MANOR) as he was a consultant to the applicant. He further stated that he would also be abstaining on Item H “PPT03-0008 CAMPO VERDE” as he is also a consultant on that project as well. Chairman Ryan said that his consent vote would not relate to those items.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY VICE CHAIRMAN FLANDERS to approve Consent Agenda Items A, D, E, F, G, H, I, and J with the additional stipulations as read into the record. **MOTION CARRIED UNANIMOUSLY** by those present and voting (6-0), with Chairman Ryan abstaining in Items A and H.

5. ACTION ITEMS:

B. DVR03-0018/PPT03-0003 VISTA DEL SOL

KEVIN MAYO, Planner I, stated that this application is a request for rezoning from Agricultural District (AG-1) to Single-Family District (SF-10) for a 12-lot single-family residential subdivision with Preliminary Plan approval for subdivision layout on approximately 5.0 acres located west of Arizona Avenue and south of Willis along the South 108th alignment. He stated that the property has been “parceled out” over the years creating lots that do not conform with the land’s AG-1 zoning and explained that this case is being brought forward in an effort to “clean up the area” and allow the parcels that have been created to conform with the rezoning and be developed and to allow the balance of the property to be subdivided and developed as well.

MR. MAYO discussed lot sizes and noted that the density level is 2.4 units to the acre. He stated that staff finds this proposal to be a logical extension of the existing zoning to the north and recommends approval.

COMMISSIONER IRBY stated that since this is a private street, he had some questions relative to trash pick-up; fire access; the turn around at the end of the street (ensuring that it meets requirements and allows fire truck access); pavement thickness requirements; Lots 7 and 8 and the fact that some of the adjacent zoning is AG.

MR. MAYO responded to the Commissioner’s questions and advised that the turn around at the end of the cul-de-sac is a Fire Department approved turn around. He added that the street will meet private street requirements for base and asphalt thickness and will have a curb that runs around it. He noted that the properties provide retention so they won’t have any sidewalks and

will drain off into the adjacent lots. He said that for the adjacent agricultural zoning to the west, a stipulation could be added that states when the lots are sold, that the buyers are notified of the adjacent zoning and the agricultural uses that occur on them. He added that it is his understanding that this will be a separate tract and as far as maintenance, the 12 lots would have to maintain that small portion of the street.

In response to a question from COMMISSIONER ANDERSON, Mr. Mayo responded that the subdivision would not be gated. He reiterated that the diameter of the cul-de-sac is in accordance with the Fire Department's standards.

COMMISSIONER HEUMANN asked about the connection between this location and Willis Road and asked Mr. Mayo to discuss the cross-access agreement. Mr. Mayo suggested that the applicant respond to the Commissioner's questions since he had more knowledge of the subject.

MR. MAYO commented that Lots 7 and 8 currently house a construction building and said that the applicant, James Lambson of Lambson Construction Company, has a 4,000 square foot shed on that property. He added that the shed will be removed at the time of development.

COMMISSIONER HEUMANN asked whether the easement would be permanent and Mr. Mayo said that it would go through with the plat.

COMMISSIONER ANDERSON stated that he believes the easements are already in place and there is some type of private right of access from Willis down that road. Mr. Mayo concurred that there is an existing easement on the properties to the north that would also just be recorded on this plat.

CHAIRMAN RYAN stated that at this time he would like the applicant to come forward and respond to questions from the Commission.

JAMES LAMBSON, 1527 South 108th Way, the applicant in this case, said that he lives on the property that is being developed. He stated that Mr. Mayo has answered all of the questions correctly and there is an easement to the existing subdivision for each homeowner there; that is a permanent easement and it will be added to the plat. He explained that the street on the existing subdivision was maintained through a HOA but said it is no longer in existence. He stated that their concern is with the subdivision under discussion and there will be a HOA that will maintain that portion of the road. He said that all of the owners are in favor of this arrangement as well.

MR. MAYO advised that a neighborhood meeting was held and almost every one of the households that are on the existing South 108th Way subdivision attended and were in favor of the proposal.

In response to a request for clarification from COMMISSIONER HEUMANN, Mr. Lambson stated that a HOA was originally established for the other properties by Mr. Joe Anderson who developed it and he said he believes that it expired in the year 2000. He added that he does not believe there is any type of maintenance agreement in place at this time.

COMMISSIONER HEUMANN noted that over time the road will deteriorate and asked what part the City will have to play to maintain it and control the dust level.

MR. KURTZ responded that it is a dust free surface so over time should it deteriorate to the point where it is no longer dust free or no longer accessible by the City's fire trucks, the City would take appropriate action to ensure that fire protection is not hampered. He added that a few years ago City water was brought in to the existing subdivision and in order to get that done, all of the owners had to sign a road maintenance agreement and that remains in place with the City.

In response to a question from COMMISSIONER HEUMANN relative to the fact that the owners will have to haul their trash out to Willis Road to be picked up, Mr. Kurtz advised that this fact will be part of the public report and new owners would be advised of that fact.

COMMISSIONER IRBY asked why garbage trucks could not utilize the street and back out and Mr. Kurtz explained that the initial concerns were with the street widths of the property to the north. He added that staff could look into this further and said it was his understanding that garbage trucks and school buses still would not travel down that road but fire trucks can access the homes in there if they need to.

CHAIRMAN RYAN asked whether anyone in the audience wished to speak on this item and there being none he said he would entertain a motion.

COMMISSIONER IRBY MOVED TO APPROVE DVR03-0018/PPT03-0003 VISTA DEL SOL with the added Stipulation and asked Mr. Mayo to read the Stipulation into the record as follows:

- 8. The developer shall be required to notify homebuyers of the adjacent agricultural uses and potential impacts.*

COMMISSIONER HEUMANN SECONDED THE MOTION, which carried UNANIMOUSLY.

SPECIAL NOTE:

CHAIRMAN RYAN stated that at the time the Council voted on the Consent Agenda, a speaker slip was turned in by a citizen who wished to comment on this case but it was mistakenly overlooked. He added that the gentleman is still present and would like to speak on Item A but noted that the applicant has left the meeting.

GLENN BROCKMAN stated that the Commission would have to vote to reconsider this particular case. He added that the citizen could also recognize that fact that the Planning & Zoning Commission is a recommending body and could address the issue when it comes before the City Council.

CHAIRMAN RYAN apologized to the citizen, JIM DILIBERTO, for the oversight and said that he will ask the Commission to vote on reconsidering discussion of Agenda Item A. He noted that the Planning and Zoning Commission is simply a recommending body and they voted to forward the case on to the City Council with a recommendation for approval. He added that if the vote to reconsider is not approved, Mr. Diliberto will still have the option to present his remarks to the City Council at the second Regular Council meeting in September (September 25th).

COMMISSIONER HEUMANN MOVED TO RECONSIDER AGENDA ITEM A (DVR03-0014/PPT03-0006 124TH STREET & RIGGS ROAD (VICTORIA MANOR). COMMISSIONER IRBY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY BY THOSE VOTING, WITH CHAIRMAN RYAN ABSTAINING.

MR. KURTZ stated that the case before them is a request for rezoning from Agricultural District (AG-1) to Planned Area Development (Single-Family Residential) for a single-family residential subdivision with Preliminary Development Plan approval for subdivision layout and Preliminary Plat approval. He noted that the project consists of 34 single-family lots on 14.22 acres with a density of 2.39 dwelling units per acre and is located North of Riggs Road, on the east side of 124th Street. He noted that the request does not include a Preliminary Development Plan request for the housing product. He added that there are conceptual presentations for the housing product, including the square footage and the placement of the homes on the lots. He said that the property is located in the Southeast Chandler Planning Area and the land use and the density are both consistent with the Southeast Chandler Area Plan. He pointed out that the lots sizes exceed the size where they would require the Residential Diversity Standards to be applied but added that staff did analyze the development request based upon those standards and the proposal complies and exceeds those standards in some aspects. He stated that a neighborhood meeting was held and attended by two residents and the Staff Report summarizes their comments relative to questions about compatibility and long-term change in lifestyle as the area continues to develop. He said that staff recommends approval of this case and added two Stipulations, one having to do with the two-story homes along Riggs and Victoria at 124th, that they be limited to 50% and the other that there be a minimum separation of at least 20 feet between two-story homes built throughout the development.

JIM DILIBERTO, 12520 East Victoria Street, stated that he has lived at that address for the past 20 years on a dirt road and up until about four years ago, maybe one or two cars would travel through there a day. He said that now with all the development going on, 70 homes on the south side of the street and also the Riggs Road project is coming in and he has concerns regarding dust control. He explained that he has family members who suffer from emphysema and said the road is paved $\frac{3}{4}$ of the way now and if the remaining 1,000 feet is paved, (from 124th Street to Cooper) that will eliminate the dust problem and health concerns. He noted that he brought this issue up at the meeting with the developer and he had indicated that he would see that the paving is in their plans. He requested that the fact that the developer will pave the remaining stretch of road be put in writing before the project begins. He added that other than that he supports the project.

In response to a question from COMMISSIONER HEUMANN, Mr. Kurtz said he is not sure what Mr. Diliberto is basing the 1,000 feet of paving on and he would like to obtain some clarification. He noted that Victoria is a challenge because of the ownership, it is RWCD, and people have been driving down the RWCD canal and accessing their properties. He indicated Staff's willingness to do whatever they can to address Mr. Diliberto's concerns. He noted that the property is all County land and therefore is not under the City's jurisdiction.

Discussion ensued relative to the location of Mr. Diliberto's property; the portion of the road that is already paved; and the fact that 300 extra feet have also been paved.

In response to a question from COMMISSIONER HEUMANN, Mr. Kurtz stated that although an applicant could agree to pay a portion of the cost to connect the road to the east so that it is paved, he would question whether the City has the ability to require them to do so. Mr. Kurtz recommended that the case be continued to the Commission's next meeting in October. He said

that the applicant must be present to agree to some of the issues that are being discussed and he is not present at this time.

COMMISSIONER IRBY asked if they could recommend that the City Council address this issue. Mr. Kurtz stated the opinion that the Council would like to Commission to deliberate on this matter and forward a recommendation on to them. He said it was just due to unfortunate circumstances that the applicant is not present. He added that he believes solutions can be reached during the next meeting.

Additional discussion ensued relative to the fact that Mr. Kurtz does not believe that the delay would cause a hardship for the applicant and some of the time can be picked up on the back end by doing a "fast track" to Council; and questions relative to the plat and the edge of the pavement and Mr. Kurtz's intention to research this further.

MR. BROCKMAN pointed out that there is also a well located further south. He added that one of the problems they are dealing with is if they are trying to get the developer to pave a portion of the road that is in the County, it is now a property that is located in the County but it could be under the jurisdiction of the RWCD as well. He stated the opinion that the City does not have the jurisdiction to require them to do that. He added that it would be appropriate to urge Council to work with the other jurisdictions in an effort to resolve the problem but legal issues will surface if they attempt to require the developer to pave the road. He noted that it is also very difficult for the developer to stipulate to pave the road if he doesn't own the road and the parties who do own the road may not be willing to allow it to happen. He stated that there will be enough in the record to allow the Council to understand the issue and try to address it the best they can.

Discussion ensued among the members of the Council and staff that since this issue is not under the City's control, a motion to continue may not necessarily take care of the problem and in fact may be fruitless.

MOVED BY COMMISSIONER HEUMANN MOVED, SECONDED BY COMMISSIONER IRBY, to recommend to the City Council the approval of DVR03-014/PPT03-0006 124TH STREET & RIGGS ROAD (VICTORIA MANNER) with the following stipulations as proposed by Staff and with the added comment that the Council review the issue of paving the remaining portion of the road and to work with the applicant to mitigate dust control problems. **MOTION CARRIED UNANIMOUSLY** by those voting with Chairman Ryan abstaining from the vote.

Upon finding consistency with the General Plan and the Southeast Chandler Area Plan, Staff recommends approval to rezone from AG-1 to conceptual PAD (residential) and the PDP for lot layout subject to the following conditions:

1. Right-of-way dedications to achieve full half widths for all streets, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets,

or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

3. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Victoria Manor" kept on file in the City of Chandler Current Planning Division, in File No. DVR03-0014, except as modified by condition herein.
7. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the

Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Victoria Manor development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. The homes shall have all copper plumbing for those lines under water pressure.

11. Housing product, setbacks and lot coverage shall be considered as a separate Preliminary Development Plan application.

Upon finding the consistency with the Diversity Standards and the Southeast Chandler Area Plan, Staff Recommends approval of the Preliminary Plat subject to the following stipulation:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

C. PDP03-0018 – MONTEREY VISTA VILLAGE

MR. MAYO stated that this is a request for PDP approval for a 14.4-acre commercial development at the NWC of Pecos and McQueen Roads. He said that the proposed 108,266 square foot development will include a 29,000 square foot anchor, in-line shops, retail pads and a 13,000 square foot CVS pharmacy. He noted that the site received PAD Conceptual Commercial zoning in September of 1993 as part of the Monterey Vista residential development. He added that the site is designed to be pedestrian friendly with four pedestrian seating areas that include project art features, planters, theme lighting, water features, tables and chairs. He noted that the site also provides numerous pedestrian connections from the adjacent neighborhoods, the arterial streets and internally within the site. He said that the Mediterranean architectural style has been designed to complement the adjacent Hamstra Square commercial development.

MR. MAYO commented that the elevations include a variety of materials such as split face and center square concrete blocks, tile roof elements, wrought iron accent features and varied stucco finishes. He added that a neighborhood meeting was held and staff received a letter from a neighbor concerned about the thickness of depth of the landscape buffer along the north property line and the separation of the buildings relative to his house. He advised that the applicant responded by increasing the depth of the landscaped strip from ten feet to sixteen feet. He noted that the buildings do meet the Commercial Design Standards for separation. He stated that staff believes the project represents a quality commercial development and the site plan, building and building architecture do conform with the Design Standards. He added that Staff recommends approval of this case.

In response to a question from COMMISSIONER HEUMANN, Mr. Mayo stated that when the case went through the Design Review process, they requested that a bus bay be placed on Pecos and therefore he is under the assumption that there will be a future bus route at that location. He added that it will be designed to fit in with the rest of the development.

JASON MORRIS, with Anderson & Morris, speaking on behalf of the applicant, said that he would like to add that as a result of staff's suggestions from the beginning, this has been very much a project that involved a lot of "give and take." He added that the result of that has been a better project overall but said that their original submittals to staff were in November of last year so they have taken a lot of time to work on this project. He stated that he wanted to mention this fact only to point out that the project has taken an extraordinary amount of time only because they wanted to make sure that it was done right. He expressed appreciation to staff for their support and said he would be happy to respond to any questions.

VICE CHAIRMAN FLANDERS said that when he reviews site plans and building elevations, there are a number of things that he usually does a checklist on as far as building design, site design, pedestrian orientation, and stated that the proposal contains a lot of good qualities but there are some areas that he is a little uncomfortable with. He added that issues such as large areas of concrete outside of the stores where landscaping could possibly go in or more pedestrian amenities is one of his concerns. He noted that the building elevations, as far as the retail to the west and the street that cuts into there, he does not believe that the elevations are orientated towards that street as far as providing some type of character around that view of the center. He said that he came across a lot of little stuff that added up but in general he likes what has been done as far as the site plan and certain elements of the architecture.

MR. MORRIS stated that what they have done in other cases is when there are concerns, such as with the case on Dobson and Germann, they are more than happy to work on resolving issues and concerns with staff through additional stipulations in order to make sure that the concerns are addressed. He pointed out that Commissioner Anderson also had a suggestion relative to changing one of the Stipulations that had to do with the landscaping and he reiterated that they are very willing to work with the Commission and Staff in terms of conditions to address their concerns. He also commented on the bus shelter and said he believes that the majority of what is occurring on Pecos Road is a part of the City's Pecos Road project, and they are paying to be a part of that project. He said that they can make sure that pedestrian linkages are there to the bus bay and any other enhancements they are necessary.

Discussion ensued relative to the bus bay and the importance of ensuring, by stipulation, that it integrates appropriately with the rest of the project and is not just merely a metal structure; the fact that the dome shaped structure is a wrought iron dome skeleton and is viewed by staff as an architectural embellishment and therefore there were no concerns regarding its height; and the fact that a spire similar to the one being proposed exists in Hamstra Square as well.

In response to a question from COMMISSIONER HEUMANN regarding phasing, Mr. Morris responded that because of the size of the project it is anticipated that the CVS pharmacy is going to be the first phase. He said that after the first phase it is their hope that either simultaneously or shortly thereafter the anchor that has been discussed, which is the size for a specialty grocer that they are working with will go in at the rear of the project. He commented on the fact that the Commissioners have raised concerns about individual pad buildings "popping up randomly" and not being comprehensive developments and he said he wanted to assure them that what is

intended is comprehensive development of the corners so it does not look like you are creating an island without a plan for the rest of the shopping center. He added that the balance of the center is going to be completed in the shortest timeframe possible but at this point it is being proposed in two phases, the first phase being the CVS and the second one being the remainder of the center, not necessarily all at one time.

In response to concerns expressed by COMMISSIONER HEUMANN relative to high turnover uses, Mr. Morris stated that he understands the language in the Staff Report that refers to the number of high turnover uses and said he can say from experience that the turnover at a pharmacy drive through is extraordinarily low at peak hours, it's in the single digits. He added that they are not talking about a high turnover use there. He stated that although the pads are referred to as fast food pads, something other than fast food establishments that have drive through elements may be developed. He stated that if he understands correctly, Commissioner Heumann's concerns could be addressed by the addition of a Stipulation which states that while the CVS building may proceed, any other development along either the Pecos Road or the McQueen Road frontage will require both frontages to be developed simultaneously or concurrently unless the rear anchor is built, in which case that would essentially take care of the phasing.

COMMISSIONER HEUMANN asked if they would agree to the Stipulation and Mr. Morris indicated that they would.

VICE CHAIRMAN FLANDERS referred to a letter that was received from one of the neighbors who lives adjacent to the project and asked what type of screening was being provided along the perimeter areas. Mr. Morris advised that the neighbor attended the neighborhood meeting and participated in the neighborhood participation program and explained that he was looking for some additional width. He said that they agreed that the request was valid and stated that they would provide him with the additional width. He added that they also provided him with an exhibit and it later came to their attention that the exhibit they provided was actually the identical exhibit they had brought to the neighborhood meeting, he had not received the revised exhibit. He stated that essentially the neighbor was under the impression that nothing was occurring to address his concerns and this was definitely not the case. He noted that they have adjusted the street width or aisle width to provide him the additional width he was seeking.

COMMISSIONER ANDERSON said that he would like to see stipulations added that require thornless trees to be planted in pedestrian gathering areas. He stated that on the sides of the major retail in the back there are areas that contain Palo Verdes with thorns. He added that he would like the date palms to be 20 feet in height instead of 8 feet and said that he would also like the project to blend more with Hamstra Square as far as their plant palette.

CHAIRMAN RYAN said that he would like to see a minimum of 36" box trees in all the parking lot planters and along the west. Mr. Morris said that they have two landscape architects reviewing the plans and they have been looking at the numbers. He stated that they are proposing 29 date palms overall. Chairman Ryan said that they need to go to a 20-foot trunk on those and said it would not be much difference to go from an 8 foot to a 20 foot and said he doubts whether they could even get an 8-foot trunk.

MR. MORRIS stated the opinion that this issue was also raised during the discussion of Hamstra Square and that landscape palette and he said it was their intent to try and have some continuity between the two.

Discussion ensued relative to possibly replacing the Palo Verde trees with Desert Museum Palo Verde trees, a hybrid that is thornless, has a little heavier canopy and will provide more shade as well as visual buffering; and a variety of other plants that could be substituted in place of the ones that are being proposed; the fact that a local landscape architect should be brought in who is familiar with the area and knows the plant materials; the importance of designing a palette that matches the one at Hamstra Square; and the fact that an existing Stipulation requires a final sign off by the Community Development Director on the sign palette but the applicant's willingness to clarify that even more.

VICE CHAIRMAN FLANDERS brought up the issue of design elevations and suggested that the case be continued to a Design Review meeting where that topic can be further discussed and addressed. He added that there are some other issues that he would like addressed as well, such as the rear surface drive adjacent to the residential and the fact that it has a "long racetrack look." He said that with other cases they have asked for some type of setting of the buildings and said he would also like to see that occur. He reiterated that he would like to continue this case.

MR. MORRIS said that he can understand the Vice Chairman's motivation but pointed out the extensive amount of time that has already been spent working on this project. He agreed that there is always room for improvement and said that they are willing to work with staff and the Commission. He added that to go through the Design Review process after working with staff for such a lengthy time from a time standpoint would not be good since the project's timing has already been pushed to the maximum. He added that a proposed City Council date has been planned for the 24th of this month and said that the delay that the Vice Chairman is suggesting (going through the Design Review process), unless it can happen before the case goes to Council, would be tremendous detriment to the project. He stated that this would be very difficult and the project could fall apart based on a long delay. He urged the Commission to allow them to work with them and staff on the basis of stipulations prior to moving forward to the City Council.

VICE CHAIRMAN FLANDERS said that he does not feel comfortable sending this case off to the City Council. He noted that the items he is asking for are things that have been requested before.

Discussion ensued relative to the extensive amount of time that has gone into this project; the fact that the project meets ten of the eleven Diversity Standards; and effort that was expended by the applicant in order to move the case forward.

COMMISSIONER HEUMANN asked Mr. Morris whether he thought the project would fall apart if another delay occurs and added that he agrees with Vice Chairman Flanders. He added that he appreciates all of the time and effort that has gone into the project but noted that this is the first opportunity the Commission has had to review this. He said that he supports the Vice Mayo's suggestion that the project should go through the Design Review process. He asked Mr. Morris to comment on the project's timing,

MR. MORRIS commented that his concerns are not driven by the CVS opening but rather upon the transaction itself and the necessity to move forward or risk losing this because of the time it has taken to get this far. He added that to the point possible, he has no problem bringing things to the Commission and Council early so that they can give feedback but said that essentially that is why they have professional staff and that is what they have been doing with them. He said that now they seem to be going through a separate process in a case where, because they knew that the timing was critical, they did not fight the comments that were given as to the upgrades that were

needed to be done. He noted that the same development team was involved in the project across the street and they did not feel that this was a "stretch."

In response to a question from COMMISSIONER HEUMANN, Mr. Morris stated that a 30-day setback could potentially result in the loss of the entire project.

MR. MAYO said that there has been ongoing pressure to get the project to this point before their transaction date.

VICE CHAIRMAN FLANDERS stated that he has concerns relative to time limits that do not allow the Commission to ensure that the end product that goes before the City Council is a quality project.

CHAIRMAN RYAN stated the opinion that a sufficient amount of concern exists to warrant a motion.

MR. MORRIS noted that because of a posting issue, the case came before the Commission one month later than it was originally intended. He added that all of the principles of the design team are present and they are willing to spend whatever amount of time necessary to discuss with them what needs to be changed rather than continue it to another date.

S.G. ELLISON, an architect working on the project, said he believes there are some things that they can do to address some of the Commission's concerns. He added that they are very close and he got the sense that everyone thought this was a very good project. He requested that they not be required to go back through the process and instead work together to address the concerns.

In response to a question from COMMISSIONER HEUMANN, Mr. Mayo said that initially staff had outlined an August date to bring this case before the Commission pending the receipt of certain exhibits and since the exhibits were not received, he did not feel comfortable advertising for an agenda when he did not have everything that he requested.

COMMISSIONER HEUMANN pointed out that the Design Review Committee is meeting on Monday at 4 p.m. to discuss Gym Time and asked if this case was placed on that agenda and the Commission held the meeting that they cancelled for September 17th, whether this would be acceptable to the applicant and work for staff. He added that the case could then be placed on the Council agenda for September 25th.

MR. MORRIS asked if it was possible to take action at a noticed Design Review meeting since it is essentially noticed as a Planning Commission meeting. He said that this case could simply be continued to Monday.

MR. BROCKMAN stated the opinion that it would be possible and noted that there are no publication requirements involved or set time period in advance of the meeting other than the Open Meeting Law. He said it would be possible to schedule a Special Commission meeting at a time following the Design Review Committee meeting. He noted that when they meet as the Design Review Committee, the members are not meeting as the Commission and depending upon the timing, they could post a Design Review Committee meeting and then post another notice for this particular item as a Special meeting of the Commission

MR. MORRIS said he appreciated the fact that Commissioner Heumann is trying to accommodate their concerns as well and said they are willing to sit down with the members of the Commission and the Design Review Committee if it can be done in an expedited manner. He added that they are very passionate about the project and concerned that it may not become a reality because of timing.

CHAIRMAN RYAN stated that in order for this to work, the case will have to be added to the Design Review Committee's Monday agenda along with Gym Time. He said at that time the applicant will be given direction as to which way they are going to go in an informal setting. He added that in lieu of the Planning and Zoning meeting on September 17th, which would be nine days after the Design Review meeting, that they have another Design Review meeting, adjourn that and then go into a brief Planning and Zoning hearing and vote on it and then forward that on to the City Council. He stated that this would be a pretty aggressive agenda.

MR. MORRIS said that what he was contemplating, if it's possible, is that they receive input and comments. He noted that it is Wednesday and they have between Wednesday and Monday to try to actually address some of the concerns. He added that they will probably have to supplement this with some telephone time with the members who have concerns. He said in that way the presentation that they would make on Monday is actually something they could take action on rather than giving them direction.

CHAIRMAN RYAN indicated that he was okay with that suggestion.

MR. KURTZ commented that staff is also looking at schedules and in order to allow enough time for whatever comes out of the Design Review Committee meeting and for the applicant to prepare those documents and get them to the Council so they also have an opportunity to review the documents, he believes more time is required. He added that staff would rather work it on the back end and said they could still meet the Council meeting on October 9th as opposed to September 25th. He said the project will come back to Planning, will go thru the Design Review process, come back before the Commission on October 1st and fast track it over to Council for their October 9th meeting.

MR. RYAN stated that the Commissioners needed to do whatever they felt comfortable with.

MR. BROCKMAN said that if the Commission is still thinking about next Monday, there is also a Study Session scheduled for the City Council. He added that if they plan to do it all at one time, they should not do it on Monday of next week because that could be a problem.

VICE CHAIRMAN FLANDERS MOVED AND COMMISSIONER ANDERSON SECONDED a motion to continue PDP03-0018 MONTEREY VISTA VILLAGE to the Design Review meeting on Monday, September 8th and to continue the case to the Commission's October 1st meeting.

Discussion ensued relative to timing and the importance of obtaining all of the information that is necessary in order to proceed and to provide the Council with the best possible product.

The **MOTION CARRIED UNANIMOUSLY.**

6. DIRECTOR'S REPORT

There was no Director's Report at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting will be held on October 1, 2003 at 5:30 p.m. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

CHAIRMAN RYAN adjourned the meeting at 7:02 p.m.

Phil Ryan, Chairman

Douglas Ballard, Secretary

MINUTES OF THE OCTOBER 1, 2003 PLANNING AND ZONING COMMISSION MEETING OF THE CITY OF CHANDLER, ARIZONA, in the Council Chambers, 2nd Floor, Chandler Public Library, 22 South Delaware Street.

CHAIRMAN RYAN called the meeting to order at 5:35 p.m.

2. Pledge of Allegiance was led by Commissioner Rick Heumann.

3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Ms. Jeanette Polvani
Mr. Michael Flanders	Ms. Shiela Schmidt
Mr. Rick Heumann	
Mr. Mark Irby	

Absent & Excused: Mr. Brett Anderson

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principle Planner
Mr. Geir Sverdrup, Planner II
Mr. Kevin Mayo, Planner
Ms. Ashley Bailey, Planner
Ms. Jodie Novak, Planner
Mr. Thomas Ritz, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

CHAIRMAN RYAN introduced to the audience the Commission's newest Commissioner, **MS. SHIELA SCHMIDT**. Ms. Schmidt sat on the Board of Adjustment prior to coming to the Planning and Zoning Commission. She has lived in Chandler for eight years, and is a native of Phoenix.

4. APPROVAL OF MINUTES:

MOVED BY VICE CHAIRMAN FLANDERS, seconded by **COMMISSIONER HEUMANN**, to approve the minutes of the Regular Meeting of September 3, 2003 as presented. **MOTION CARRIED UNANIMOUSLY** by those present.

5A. CONSENT AGENDA:

CHAIRMAN RYAN explained to the audience that the Commission has a very lengthy Consent Agenda that was discussed in a prior Study Session. He further explained that the Consent Agenda will be approved in one motion. **CHAIRMAN RYAN** said that if anyone in the audience wanted to pull one of the items off the Consent Agenda and have it heard, they would need to raise his/her hand.

CHAIRMAN RYAN stated that items on the Consent Agenda are Items B, C, D, E (deleted), F, G, H, I, K, L, M, N, O, Q, R. The Action items are: A, J, and P. At this time **CHAIRMAN RYAN** asked **JEFF KURTZ, CURRENT PLANNING MANAGER** to read the additional

stipulations. Mr. Kurtz stated that there are several items and a few conditions on each. He read the following into the record to be a part of the Commission's action:

Item "B" Monterey Vista, there will be two new stipulations:

- #11. The perimeter landscaping shall be installed as a part of Phase 1.***
- #12. Phase 2 shall include Fast Food A, Fast Food B, In-line 4, In-line 5, Retail D, and Retail C as a part of Parcel 2 and Parcel 3.***

Item "D" Gold Canyon Candle, recommending a modification to Condition No. 9 as follows:

- #9. Coordinate relocation of Coleman Spa's northern driveway as a new combined driveway or an alternative means of access approved by the City's Transportation Engineer.***

Addition - Condition No. 12:

- #12. Arterial street landscaping shall meet the Commercial Design Standards for size and quantity.***

Item "I" El Campo – recommending a new stipulation be added as follows:

"Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require a reapplication of the Use Permit."

Item "L" India Gate, recommending a new stipulation:

"Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require a reapplication of the Use Permit."

Item "Q" Regency Plaza, recommending three stipulations:

- #7. Two parking spaces located on the south side of the parking lot at the north driveway along Arrowhead Drive shall be eliminated for more vehicle queuing space and replaced with additional landscaping.***
- #8. Enhanced paving treatments shall be provided at all driveway entrances along Chandler Boulevard and Arrowhead Drive.***
- #9. Any drive-thru use shall be prohibited for the commercial pad building located at the intersection corner.***

CHAIRMAN RYAN asked the audience again to ensure that they were aware of the Consent Agenda, Item B, C, D, E (deleted), F, G, H, I, K, L, M, N, O, Q, and R. He stated that the Commission was about to make one motion to approve those items and asked if anyone wanted to pull any one of these items off to raise their hand.

B. PDP03-0018/PPT03-0011 MONTEREY VISTA VILLAGE

APPROVED, a request for Preliminary Development Plan (PDP) approval for site layout and building architecture, along with Preliminary Plat approval for an approximate 14.4-acre commercial development within a PAD zoning district for property located at the NWC of Pecos and McQueen Roads.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2401, in case Z93-068 PECOS & MCQUEEN.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MONTEREY VISTA VILLAGE" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0018, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Three additional trees shall be placed adjacent to the screen wall and berming at Fast Food B to further screen the drive through from McQueen Road.
7. The landscaping shall comply with the Commercial Design Standards.
8. At the time that bus service is available, the bus shelter shall be designed to match the building architecture and materials.
9. All signage facing the adjacent residential properties to the north and west shall be non-illuminated.
10. The Date Palms located at the intersection shall have a 20-foot trunk height.

Staff recommends approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

C. DVR03-0010 REZZONICO DAIRY (HOMESTEAD PARK)

CONTINUED TO NOVEMBER 5, 2003, PLANNING AND ZONING COMMISSION AGENDA, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for an 83-lot single-family residential subdivision with Preliminary Development Plan (PDP) on approximately 22.1 acres located at the southeast corner of Germann Road and Arrowhead Road.

D. DVR03-0024 GOLD CANYON CANDLE COMPANY

APPROVED, a request for rezoning from County General Industrial (IND-2) to initial City zoning Planned Area Development (PAD) for candle manufacturing with Preliminary Development Plan. The subject property is approximately 20.4 acres in size and located south of the southeast corner of Riggs Road and Arizona Avenue.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "GOLD CANYON CANDLE CO," kept on file in the City of Chandler Current Planning Division, in file number DVR03-0024, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths for Arizona Ave., including turn lanes and deceleration lanes, per the standards of the City of Chandler Transportation Plan.
3. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.
4. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Gold Canyon Candle Co. development shall use treated effluent to maintain open space, common areas, and landscape tracts.
5. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
6. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

9. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
10. Coordinate relocation of Coleman Spa's northern driveway as a new combined driveway with this use subject to approval of the City Engineer addressing future traffic signal.
11. The paraffin tanks shall be painted to match the building's exterior color.
12. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

E. ITEM DELETED

F. DVR03-0025 ASHLEY MANOR

APPROVED FOR 3 YEARS, a request for action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the two year schedule for development or to cause the property to revert to the former Agricultural (AG-1) zoning classification. The existing Planned Area Development zoning is for a wedding reception, special event, and business convention facility on approximately 5 acres. The property is located at 1380 South Price Road, which is on the west side of Price Road and north of Willis Road.

G. PDP03-0022 SUN GROVES PARCEL 19 (MORRISON HOMES)

APPROVED, a request for Preliminary Development Plan approval for housing products for 95 lots located on approximately 33 gross acres, Parcel 19 within the Sun Groves residential subdivision. This property is located approximately one-half mile east of the northeast corner of Lindsay Road and Hunt Highway.

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Morrison Homes at Sun Groves, Parcel 19 PDP for Housing Products," kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0022, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 2943, case PL98-158 Sun Groves, except as modified in condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story.
4. The same front elevation shall not be built side-by-side or directly across the street from one another.
5. For lots adjacent to Sun Groves Boulevard, Hillcrest Drive, and Doral Drive two-story homes are limited to every third lot.

6. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
7. No more than two adjacent lots shall have identical rear elevation rooflines visible from arterial streets.
8. The same front elevation shall not be built on adjoining homes or homes across the street from each other.

H. UP03-0040 EAST VALLEY HABITAT FOR HUMANITY

APPROVED, a request for Use Permit approval to build a single family home on a lot currently zoned Multi Family 2 at 217 E. Saragosa Street.

1. Development shall occur in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.

I. UP03-0035 EL CAMPO MEXICAN FOOD RESTAURANT

APPROVED, a request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 1964 N. Alma School Rd., Suite 10.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

K. UP03-0027 SETON CATHOLIC HIGH SCHOOL

APPROVED, a request for Use Permit extension for continued placement of a temporary building for classroom use on the high school campus located at 1150 North Dobson Road.

1. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to the City of Chandler and approval by the City of Chandler.
2. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.

L. UP03-0029 INDIA GATE

APPROVED, a request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 6245 W. Chandler Blvd. Ste #1.

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.

M. UP03-0033 NIGHTHAWK EQUIPMENT

APPROVED, a request for Use Permit approval to permit outdoor storage of equipment within a C-3 Zoning District for Nighthawk Equipment located at 299 S. Washington St. (NEC Washington St. and Frye Rd.)

1. The Use Permit shall be valid for three years following date of City Council approval. Storage use upon the property beyond the three-year term shall require new Use Permit application and subsequent approval by Council.
1. Perimeter landscape area is to be maintained in a neat, weed free condition. Plant material that is removed shall be replaced.
2. Storage shall be contained within the six-foot (6') block wall fence and below the top of the wall.

N. UP03-0037 CDT PHOENIX, LLC DBA REGAL BEAGLE

WITHDRAWN, a Request for Use Permit approval to sell liquor (Series 12 Restaurant License) at a restaurant at 6245 W. Chandler Blvd. Ste A-7.

O. UP03-0042 CHANDLER COMMONS OFFICE PARK FUEL STORAGE TANK

WITHDRAWN, a request for Use Permit approval for a fuel storage tank greater than 500 gallons in conjunction with a generator to be located within Chandler Commons Office Park located at the southwest corner of Chandler Boulevard and Ellis Street.

Q. PDP03-0020 REGENCY PLAZA

APPROVED, a request for Preliminary Development Plan approval for a commercial retail center on approximately 4.7 acres located at the southwest corner of Chandler Boulevard and Arrowhead Drive.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Regency Plaza" kept on file in the City of Chandler Planning Services Division, in File No. PDP03-020, except as modified by condition herein.

2. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. The landscaping in all open-spaces and rights-of-way and common area landscaping shall be owned and maintained by a Property Owners Association.
6. The tree sizes along the arterial street shall include a minimum mix of 50%- 24" box, 25%- 36" box, and 25%- 48" box trees.

R. PDP03-0035 SUN RIVER (WOODSIDE HOMES)

APPROVED, a request for Preliminary Development Plan approval to add an additional two home plans to an existing 380 lot single-family subdivision under construction at the northwest corner of Hunt Highway and Gilbert Road.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3010, in case PL99-036 SUN RIVER, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council in case PDP00-0044 SUN RIVER – WOODSIDE HOMES, except as modified by condition herein.
3. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Woodside Homes, Presents Sun River, A South Chandler Community" kept on file in the City of Chandler Current Planning Division, in file No. PDP03-0035, except as modified by condition herein.
4. The side yard setbacks shall be no less than 5 feet and 10 feet.
5. Staggered front and rear building setbacks for adjacent house locations shall occur throughout entire subdivision.
6. The Preliminary Development Plan approval for the housing product proposed by Woodside Homes may be developed on any lot within the Sun River subdivision.

MOVED BY COMMISSIONER HEUMANN, seconded by **VICE CHAIRMAN FLANDERS** to approve Consent Agenda Items B, C, D, E (item deleted), F, G, H, I, K, L, M, N, O, Q, and R with the additional stipulations as read into the record. **MOTION WAS APPROVED (6-0).**

5. **ACTION ITEMS:**

A. DVR02-0038 GYM TIME

KEVIN MAYO, PLANNER, stated that this is a request for rezoning from I-1 with a Planned Area Development (PAD) overlay to PAD for an approximate 31,663 square-foot building for a gymnastics center with Preliminary Development Plan (PDP) approval for site layout on approximately 3.2 acres located at 3705 West Commonwealth Avenue on the northwest corner of North Hearthstone Way and South Hearthstone Way. The current PAD overlay, which was approved in 1987, designated this

parcel as a “transitional use,” which allows for offices, residential, and community service institutions such as churches, a YMCA or a Girls & Boys Club.

MR. MAYO stated that staff is of the opinion that the proposed use constitutes a transitional use, however, it does not fit into the existing PAD overlay and that is the zoning request. The request was heard at the July 2, 2003 Planning and Zoning Board hearing which forwarded it on to a Design Review Committee hearing held on September 8th. Concerns included the building’s relationship and scale with the surrounding neighborhood, the contrasting color palette, and the screen-tree sizes, locations and species. He said that the applicant responded by creating a large one-story building element over the indoor pool at the building’s northeast corner, implementing numerous sloping standing-seam metal roofs on the building’s four sides, and reducing the building’s overall height by three feet. He added that with the revised elevations, 58% of the building is 27 feet high, 10.9% is 29 feet high and the remaining 31.1% is 33.5 feet high. The color palette has been revised to relate more closely to the adjacent neighborhoods. Additionally, the landscape palette has been adjusted adding more parking lot diamond planters and specific 12-foot tree heights at planting for the trees along the southwest property line and building foundation.

MR. MAYO advised that there has been extensive neighborhood work and involvement regarding this request and a legal protest has been filed against the request. The neighbors will provide input at the meeting this evening. He stated that staff supports the proposed land use, finding it to be a transitional land use to the adjacent neighborhoods and additionally supports the building’s architecture and site layout. He noted that the proposed site is a challenging parcel with three street frontages is adjacent to the Chandler Fashion Center and is a gateway into Hearthstone. Park neighborhoods. He commented that staff and the applicant have worked hard to mitigate impacts on the neighborhoods. He stated that upon finding consistency with the General Plan, staff recommends approval to rezone the property from I-1/PAD for children’s gymnastics center, along with Preliminary Development Plan approval, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled “Gym Time,” kept on file in the City of Chandler Planning Services Division, in File No. DVR02-0038, except as modified by condition herein.
2. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
3. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. The landscaping in all open-spaces and rights-of-way as well as all perimeter fences and view walls shall be maintained by the adjacent property owner or a homeowners’ association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

8. The trees along the southwest property line and the southwest building foundation shall be 12 feet high at the time of planting.

In response to a question from **CHAIRMAN RYAN**, Mr. Kurtz advised that for the Commission's purposes, the fact that a legal protest has been filed is just for informational purposes and does not affect the vote of the Commission. He explained that a legal protest does affect the Council vote in that it requires a three-fourths majority vote of the Council in favor of the rezoning in order to override the protest petitions.

COMMISSIONER HEUMANN asked what percentage of the residents have to sign in opposition in order to file a legal protest. Mr. Mayo responded that it is an area calculation and said that 20% of the area along any one side in opposition to a rezoning request constitutes a legal protest.

CHAIRMAN RYAN said that at this time he would like the applicant to present remarks.

DARIN SENDER, representing Scott and Dona Barclay and their family, said that this is an in-fill development of a vacant 3-acre unique parcel with three roadway frontages. She noted that the proposed use is a children's gymnastics facility, Gym Time, and stated that they believe it to be a wonderful facility for children as well as families in the community. She added that they support staff's report and recommendations. Ms. Sender stated the opinion that the zoning is appropriate to allow this type of use and the project will serve as an excellent buffer between the existing industrial zoned areas. She noted that the use itself is similar to a church, YMCA or Boys & Girls Club and is definitely a community service type use. She advised that the facility has been well positioned to put Chandler on the map because of the new way the facility will be built. She explained that the design elements are a heightened design and will contain a heightened level of equipment for the gymnastics training for the children. She added that it will be a higher quality building just in general and stated the opinion that other gymnastic facilities across the country are going to start looking at Chandler's facility as a model.

MS. SENDER stated that they recognize that some of the neighbors have concerns regarding the proposal and noted that they have held three neighborhood meetings and recently Mr. & Mrs. Barclay went door-to-door to several homes located just southeast of the property and spent the entire day talking to people. She added that they contacted about eight neighbors in that area to let them know what they are planning and to make sure that all of the information is out there. She expressed the opinion that the plans before the Commission adequately address the concerns that have been raised and discussed the fact that extensive changes have been made to the design of the building to address the residents' concerns. She noted that the plan is more compatible with the surrounding community as a result of the revisions and pointed out that they have lowered the height of the building. She pointed out that the vast majority of this building is approximately 27 feet in height and varies between that and 33.5 feet, depending upon where you are at. She commented on the fact that the focal points of the building and the parts that are either directly impacted on the corner or the parts that face the residents' neighborhood have been lowered to one story, particularly the northeast corner and the southeast corner. She noted that by lowering those to one story they have eliminated some of the interior uses for this building and said there are certain interior height requirements for this type of facility.

MS. SENDER stated that access has been revised so that it will not be on the residential road to the southeast. She also discussed the fact that an extensive traffic study was conducted to ensure that this would not cause any traffic congestion or safety problems and reported that the study reflected it

would have minimal impact on the area. She pointed out that the building would be located approximately 150 feet from the property line on the south and approximately 200 feet on the corner if measured diagonally. She added that quite a number of trees and landscaping elements are being proposed. She stated the opinion that the building is a very compatible project for the neighborhood and will serve the needs of the children and families in this neighborhood as well as neighborhoods around it. Ms. Sender asked the Commission to approve the request and added that their architect, Bob Winton, will make a brief presentation at this time.

BOB WINTON, representing Winton Architects, 4222 North 12th Street, Phoenix, said he would like to address the changes that have been made since their last presentation. He said that they put forth great effort to ensure that the facility would blend in and be compatible with the residential character of the area. He explained that they are proposing to use standing-seam sloped metal roofs, have made height and color palette changes and plan to enhance the landscaping. He noted that 56% of the original height of the building was at 36 feet and was a building parapet and said that now that portion is 27 feet high with a sloped metal roof behind it. He added that at the most visible corner, the northeast corner which will contain an indoor pool, they have lowered the element to a single story with a sloped metal roof and a building parapet of 22 feet. He explained that the use of the sloped elements at the top of the parapet help provide visual transitional relief to the bulk of the building, as do the varying heights, the massing offsets and the different materials. He added that at the northeast and southeast corners additional glass at that level has been added to the single story to make it more compatible with the residential area. He commented on the fact that the colors have been toned down for the building with the exception of an accent color on the entry and the entry canopy.

MR. WINTON noted that they are proposing trees with a minimum height of 12 feet adjacent to the residential development at the southwest side of the parcel; have added tree-wells at the parking lot; and have added more trees at the southwest elevation to help soften and buffer the mass of the building from the residential areas. He stated the opinion that their efforts have resulted in a high quality design that complements the residential quality of the neighborhood and still meets the needs of his clients.

CHAIRMAN RYAN thanked Mr. Winton for his input.

SCOTT AND DONA BARCLAY, the applicants in this case, addressed the members of the Commission. Mr. Barclay stated that he and his wife have in the past and continue today to enjoy being involved in children's sports and education for children from 18 months of age all the way up to the collegiate level. He said that they are looking forward to moving ahead with this project with great anticipation and enthusiasm. He expressed the opinion that the proposal will positively impact the community as well as the State and noted that great interest exists in what they are proposing to do as far as this "cutting edge" project. He added that they appreciate the hard work that everyone has put into this project and said that he, his wife and their staff are committed to making this a place that they can all be proud of and the children can be a part of.

VICE CHAIRMAN FLANDERS stated that the staff report listed enrollment data and asked the applicants how long they believe it will take to meet the maximum enrollment. Mr. Barclay responded that within a year they hope to have 1,000 children enrolled and anticipate that they will achieve maximum enrollment within three years.

In response to a question from **COMMISSIONER HEUMANN**, Mr. Winton stated the opinion that the 12-foot trees (at planting) will hide the building from the neighbors' view. He described the trees they are proposing and said they will reach a height of 25 feet and have a spread of 20 feet.

COMMISSIONER HEUMANN commented on the fact that some of the neighbors will be speaking tonight about the size and the transition use and asked staff to discuss these issues further.

MR. MAYO said that in his original presentation he mentioned that appropriate “transitional uses” would include a church, a YMCA, a community center and Boys & Girls Club type facilities. He added that there are many uses that can be considered transitional. He stated that those listed uses would not be required to be reviewed by the Commission and would only need a PDP for site plan and building architecture.

In response to additional questions from **COMMISSIONER HEUMANN**, Mr. Mayo said that there is a YMCA on Frye Road, between Dobson and Alma School Roads, on the south side and the parcel size is 3.8 acres, the total building square footage is 38,550 square feet and the overall height of the building is 22 feet to the top of the parapet and projections that come above that to 28 feet. He said that it is a very square mass building and does not have a lot of articulation or sloping elements. He added that the Chandler Baptist Church is located on McQueen, just north of Pecos, and stated that the site is approximately 4.4 acres, the total building, including phase two, will be 37,058 square feet and the approved height is 28 feet to the top of the roof ridge line. He noted that the Hope Covenant Church, located on Dobson Road just north of Germann, is situated on a 4.4 acre parcel as well and total square footage, including phase two, will be 27,880 square feet. He added that the height to the top of the steeple is 33 feet and the height to the top of the roof is 29 feet.

In response to additional questions from **COMMISSIONER HEUMANN**, Mr. Mayo advised that the City Code allows the buildings to reach a height of 45 feet with an approved PDP. He stated the opinion that a charter school would not be an approved use, it would have to come back for a PAD amendment. The Commissioner said that he would like to hear from the applicant’s traffic engineer at this time.

TY HOFFLANDER, 1112 East Flint Street, responded to questions from **COMMISSIONER HEUMANN** and stated the opinion that if a 25,000 to 35,000 square foot church was built on a parcel like this, it would still represent one of the lower uses on a typical weekday. He added that with the addition of a school on the property, there would be substantially more traffic during the morning peak hours. He said he believes elementary schools, which are all that could fit on a site this small, typically release their students earlier in the afternoon than the street peak hour, 2:30 to 3:30 in the afternoon. He said that consequently that peak occurs earlier and it would be difficult to estimate peak time for the Gym Time facility. He noted that the source he used for trip generation estimates did not contain information on the traffic generated as a result of church daytime activities. He said that Gym Time appears to be a pretty active center over a period of several hours from late afternoon to a couple of hours after the supper time hour while schools tend to have all their activities within a twenty to thirty minute period.

COMMISSIONER HEUMANN thanked Mr. Hofflander for his input.

CHAIRMAN RYAN said that a number of speakers have requested to speak on this issue and citizens have also filled out slips indicating their opposition or support but do not want to address the Commission. He said that a small map of the individual parcels is going to be displayed and as the individuals come up to speak he would like them to indicate where they live.

LAURA CLAY, 170 South Hazelton Drive, said that as a citizen of Chandler, she has no say in what takes place in other cities such as Phoenix or Tempe and it would be just as pointless to ask the

Commission to allow a Wal-Mart or other business to open up in someone else's neighborhood just because it is a nice business. She said that any opinions presented in this matter by employees or customers of Gym Time, relatives or friends of the applicant or people who live in other cities have no significance. She added that the only opinions that matter are those of people whose lives, property values and neighborhood are directly affected by the decisions here, such as her. She stated that she lives less than 300 feet from the property and can see it over her backyard fence. She said she does not want to have to look at a building that is taller than the Windmill Inn and over 1,000 feet closer. She commented that some people make the choice to move into a home after the surrounding lots have already been zoned for giant buildings but stated the opinion that this particular lot has never been zoned for such a huge building. She further stated that her family did their homework before they moved into their home and said it was represented as a future transitional property, a residence, a small business or a church, and three years later they are considering the site for a 3-story commercial building. She noted that all similar buildings in Chandler exist only on major four or six lane arterial streets while this property is on a small residential two-lane road. Ms. Clay requested that the Commission vote to deny this proposal.

BARBARA MEZZIC, 3721 West Geronimo, stated that her daughter attended Gym Time for four years and loved it. She added, however, that living in the neighborhood she is really opposed to having the facility built on the proposed site because it is right in the neighborhood. She said that she has had the experience of attending gymnastic meets and traffic patterns are a concern.. She stated that parking is a really difficult issue and because this would be a state of the art facility, a lot of meets will be held drawing lots of traffic. She commented that from personal experience she knows that the traffic generated by churches and churches with schools is very different since they are dropping children off and the amount of traffic is significantly less than a gym.

CHAIRMAN RYAN said that **RACHAEL NEELY**, 3835 West Butler Street, indicated that she is in opposition to the project but does not want to speak. She noted that her concerns include lower property values and an increase in traffic.

TYSON NEELY, 3835 West Butler Street, said that he agrees that the facility is a good one and would be great for the City of Chandler but stated the opinion that they are proposing to locate in the wrong place. He said that where he lives there are three different shortcuts and noted that the 202 is due to be completed and open in that neighborhood in November. He stated that he doubts that people are going to get off on McClintock and go to Chandler Boulevard, back to Los Feliz and then drive the two-lane road up to Gym Time. He stated the opinion that once traffic congestion comes into play, those drivers are going to be looking for shortcuts, such as Chicago or Milkyway, and will drive through the residential areas to avoid the traffic. He noted that this will decrease property values and he will be able to see the building from his home. He added that the proposal is inappropriate for a residential area and asked the Commission not to destroy their quality of life.

CHAIRMAN RYAN stated that **MARGARET THOMPSON**, 1891 East Lodge Drive, Tempe, indicated support for the project but does not want to speak. She wrote that she believes it will provide an excellent sports and swimming facility for families in and around the area. He added that **GINA HIN**, 141 West Pecan Drive, also did not want to speak but wrote that she believes it is a worthwhile project. In addition, **GREG AUTREY**, 2913 South Estrella Circle, supports the project but does not wish to speak. He wrote the opinion that this is an excellent use for the parcel. **BILL SHEDD**, 2625 S. Sean Drive, is also in favor of this item but did not wish to speak. **YVONNE WHITHEY**, 3581 West Ironwood Drive, supports the item but does not wish to speak. **KATHRYN SHEDD**, 2625 S.

Sean Drive, supports the project as well but does not wish to speak. **JERRY SANTOS**, 2851 E. Capricorn Place, wrote that his family strongly supports the proposal but he did not wish to speak.

HOWARD STEERE, 664 W. Silver Creek, said that Mr. & Mrs. Barclay have been members of the business community for many years. He added that he is a former member of the Men's Arizona State Gymnastics Team at ASU and discussed their commitment to that program when it was actually cut. He said that their opportunity to open a gym enhances opportunities for young people. He commented on the fact that the ingress and egress access point has been revised to decrease the opportunities for cut-through traffic. He noted that they have height opportunities that are outside of the uses that they have agreed to in the stipulations. He asked them to vote to approve the project.

CHAIRMAN RYAN stated that **GARY SKARSTEN**, 9877 South 44th Street, Phoenix, wrote that he used to live in that neighborhood and thinks it would be a welcome addition and a wonderful asset to Chandler. He did not wish to speak.

BILL DONALDSON, 3725 West Geronimo Street, said that he lives in the Hearthstone neighborhood, and apologized to dozens of neighbors who he spoke with over the last few weeks because he informed them that the applicant had reduced the square footage of the building from almost 32,000 square feet to only 28,000 square feet, which was what was said at the end of the Design Review Board meeting. He stated that he was notified yesterday that that was a mistake and no decrease in square footage was accomplished as result of the Design Review process and the building is approximately 31,663 square feet. He expressed the opinion that the building is warehouse like in nature and has industrial features such as 10-foot high utility doors facing the neighborhood. He stressed the importance of obtaining a re-use proposal from the applicant and added that although he requested a copy of the applicant's business plan, one was not provided to him. He informed the Commission that as the Chief Financial Officer of a Valley company, he is qualified to talk about forecasting, budgeting and start-up costs. He noted that Gym Time would be housed in approximately 30,000 square feet, moving up to almost 32,000 square feet, approximately ten times the size of the building they currently occupy. He stated the opinion that the new facility cost for this building alone will exceed the current annual revenue stream and said that payroll and facility costs will represent over 75% even considering maximum revenue and maximum membership. He stated that he is worried and the Commission should be too that there are other revenue generators that the neighborhood or City isn't being told about or that this is a risky business expansion without a parachute. He added that if the business does not succeed at this location the building will still exist and it will be much more difficult to deny a zoning exception for a business that might fit.

MR. DONALDSON also addressed the issue of parking and said that the applicant and staff will state that parking is adequate for the specified use but many of the neighbors he has talked to over the last few months are afraid of overflow parking that will be required for special events or meets. He added that the applicant has stated that his business is open Monday through Saturday but he visited a meet this past weekend at Desert Heights Gymnastics, in Chandler, and between 6 a.m. and 8 a.m. on Sunday, an event was taking place and overflow traffic was everywhere. He discussed safety issues such as access for emergency vehicles and fire trucks. He expressed the opinion that the size, scope and design of the building does not meet any definition of transitional and should therefore not be built on the site. He recommended that the Commission deny the application and suggest appropriate alternate locations to the applicant, possibly using a land swap. He added that they could also demand must more height reducing alternations to the building, such as a basement. He reiterated the importance of obtaining a reuse plan and asked them not to experiment in their neighborhood.

LAURA RIVERS, 3737 West Geronimo Street, stated that she lives in the Hearthstone subdivision, and advised that when the subdivision was originally zoned in 1987, this particular piece of property was at the intersection of three streets, Country Club Way, Commonwealth Avenue and Hearthstone Way, which was at that time Los Feliz Drive. She noted that at that time the zoning was designated for residential or transitional properties, such as offices or a small neighborhood church. She added that contrary to the memorandum on file tonight, this parcel was never zoned for a YMCA. She discussed growth that has occurred in the area as well as development that has significantly impacted this piece of land. She stated that the model homes became Remuda Ranch, a residential treatment center for teenagers and women with eating disorders. She said that this location is important to Chandler, to the persons who use that facility and to the neighborhood and it is located directly across from this parcel of land. She referred to the map displayed in the Council Chambers and noted that Parcel A was changed from "unrestricted business park" to "residential," which allowed the construction of a gated community of new homes that now runs from the west side of the property to McClintock Drive. She also stated that Commonwealth became Venus and pointed to where it now becomes a dead-end up against the back of the gated community. She noted that there is no longer access to this parcel from McClintock.

MS. RIVERS added that when Westcor built the Chandler Fashion Center, which her neighborhood very much enjoys, Country Club Way was re-routed to become Chandler Village Drive in order to allow free access to the mall without disrupting or adding any traffic to the neighborhood. She said that the neighborhood access via Country Club Way was completely eliminated at that time and as part of the plan a traffic light was installed at Hearthstone and Chandler Boulevard to accommodate the flow of residential traffic into and out of their neighborhood. She added that Los Feliz was renamed to identify it as a road in and out of the subdivision and not a thoroughfare. She informed the Commissioners that at that time the school bus routes were re-worked with the City and the School Districts to utilize what is currently the only avenue that will get children to three different schools. She stated the opinion that although the applicant might believe that a massive structure that hides the neighborhood is good for the residents and the City, she doesn't. She pointed out that the building would be over 4 feet taller than the Chandler Performing Arts Center and added the opinion that it does not belong at the entrance to their neighborhood. Ms. Rivers urged the Commission to deny the application.

TONY FORNER, 3528 West Cindy Street, said that with regard to the expected traffic that this project will bring, he disagrees with the numbers that are being presented. He stated that his community is already locked on two sides with the mall to the east and the freeway to the south. He expressed the opinion that saying the traffic will not impact the neighborhood is simply untrue and added that it may in fact close Hearthstone Way during construction. He said that the traffic study that was submitted by the applicant is not representative of the usual traffic flow, since it was done when the high schools and colleges were not in session. He added that it was also the last day of grade school and the children were released early. He expressed the opinion that the traffic study should have been conducted during the busy months. He questioned how the gym's activities can take place at the same time school is in session and pointed out that their current facility is located at the intersection of two arterial streets. He too requested that the Commission not recommend the approval of this application.

TROY ORR, 3125 West Tyson Place, stated that he supports the Gym Time site. He said that he works in Chandler and his family has lived here for 14 years with 7 of these being in the Sunset Cove subdivision, which is across from the Chandler Mall near the proposed location for this facility. He commented that he has known the Barclays through gymnastics for the last 8 years and noted that Scott has a great national reputation in this area. He added that both of his sons, ages 9 and 12, started

gymnastics at Gym Time in Tempe but as they progressed, they outgrew the facility and so he and his wife now drive 22 miles round trip to a Mesa gym that accommodates competitive boys' gymnastics, a quality program that runs six days a week. He said that they are very excited that the Barclays decided to build a state of the art facility in Chandler. He discussed efforts that have gone into addressing concerns and mitigating impacts on the neighborhood and expressed the opinion that the proposal represents an excellent transition into the neighborhood.

LEIGH RIVERS, 3737 West Geronimo Street, asked Mr. Mayo how many parking spaces the churches that he previously discussed required. **MR. MAYO** responded that it gets broken down by use. Mr. Rivers noted that transitional use, according to the ordinance adopted in 1986 that established what can be built on this property makes no mention of a YMCA or a Boys & Girls Club or anything like that. He advised that in order to file a legal protest, they were required to obtain the signatures of 20% of the owners within 150 feet of the property on all sides and added that the proposed landscaping will not buffer the neighborhood. He commented on the large size of the proposed facility and noted that the footprint of the building is the size of half a football field, including the end zone. He pointed out that at a minimum the building would be 20 times the size of the closest house, which is less than 120 feet away. He added that the volume of the building is over 40 times the size of that same house. He reported that City staff was unable to provide examples of similar buildings in other residential areas. He stated that similar facilities are all located in dense industrial parks, warehouse areas or at least on major arterial streets. He noted that he and some concerned neighbors measured other buildings for the sake of comparison and pointed out that the facility would be 10 feet taller and 40 feet longer than the Pilgrim's Screw Company on Frye Road near the 101. He provided data on other large buildings within the City that would be smaller than what the applicant is proposing.

MR. RIVERS reminded the Commission that when they were considering the Wildtree multi-purpose development plan for the northeast corner of Rural Road and Chandler Boulevard, they were very insistent that there be a great distance and great buffer consisting of a series of single-story buildings between that project's three story element and the surrounding homes. He asked that they be given the same consideration and urged the Commission to deny this application.

ANTHONY WURN, 3631 West Whitten, a homeowner within the Hearthstone community, noted that the property under debate was zoned transitional in nature and examples of transitional properties are defined in the zoning ordinance as office buildings, a bank and even a church. He added that those uses were specifically stated to ensure the protection of the community's 750 residential homes from the encroachment of large businesses. He stated the opinion that this would severely impact the quality of life for their area both monetarily and in neighborhood characteristics. He added that larger churches with huge congregations, such as St. Timothy's and others, would not be considered transitional because of their size and the traffic they would generate. He said that a transitional use would be the Chandler Seventh Day Adventist Church that is located on Galveston near Arrowhead Park, which maintains a 150-member following. He referred to other buildings similar in size to the proposal and emphasized that they are not considered transitional and this building should not be either. He commented that Hearthstone is a nice, decent neighborhood comprised of single and two-story homes. He said that their street access, Hearthstone Way, is a residential narrow passage lined with trees and their good neighbor, Remuda Ranch, is busily nurturing the rebuilding of teenage girls' lives and provides a wonderful transition to the hustle and bustle of the encroaching industrial development that is moving in. He stated that on behalf of the majority of his Hearthstone neighbors, he requests that the Commission reject the Gym Time proposal. He added that they do believe that the foundation of a Gym Time facility is a worthy cause; it is simply the proposed location that they are strongly opposed to. He said he would like to solicit the skill and expertise of the Chandler building

team, in conjunction with the City's leaders, to arbitrate and relocate this proposal at a location that is suitable for this business.

KIM AMES, 3961 W. Saragosa Street, said that she has lived on the 3900 block in Hearthstone Ranch for the last four years. She discussed the extensive development she has seen occur during that period of time and stated that the changes have definitely improved the property values of the homes in the subdivision. She noted that the parcel of land on Hearthstone and Commonwealth is zoned for transitional uses and stated the opinion that placing the gym on that parcel of land is a perfect fit. She added that the parcel is located just two blocks south of Chandler Boulevard, which is on the edge of the actual neighborhood. She added the opinion that it will be an added value both to the community and to the property as well, offering children and young adults a creative outlet and a safe environment. She stated that over the weekend she asked Scott to show her the revised plans from the architect and after reviewing them, she realized how many changes have been made. She requested that the Commission approve the applicant's request.

ROSEMARIE BARTLETT, 605 South Kenwood Lane, stated that she lives in the Hearthstone subdivision and said she wishes to discuss the proposal from the two angles that she knows best, as a homeowner and as a professional realtor. She said that her property backs right up to the Westcor Mall and is located directed behind the Target Greatland store. She noted that the Target building is 33 feet tall although it was approved for 36 feet. She commented that the numbers for the Gym Time proposal really scare her and pointed out that there are 17 homes that would be located within 150 feet of the business. She added that the residents don't realize what they are going to be looking at but she does because she sees it every day. She said that the difference is that the Target Greatland is over 400 feet away from her and stated that as a realtor, she would not like to be one of the 17 homes that are within 150 feet of the building. She expressed the opinion that this would dramatically affect their resale values and their quality of life and the peaceful environment will be destroyed. She agreed that Gym Time is a wonderful business and said that the people who support it will go to the facility wherever it is located. She added that the parcel is a very small, irregular shaped piece of land that directly backs up to two different neighborhoods. Ms. Bartlett also discussed the issue of alternative uses and stated the opinion that single story office condos would be a very viable option for this parcel. She noted that the City made a promise to the residents that the use for this parcel would be transitional and she asked them to keep that promise and vote to deny the request.

CAROL BOYD, 1563 South Tamarisk Drive, said she lives approximately two and a half miles east of the proposed site. She stated that she has taught swimming for the last 15 years and is very much in favor of having this facility at this location, offering swim classes year round in an indoor facility.

AMY JO HAYWOOD, 158 South Hazelton Drive, noted that her home is located less than 150 feet from the facility and she is one of the original residents of the neighborhood. She also commented on the large size of the building and expressed concerns relative to traffic. She noted that when the mall opened up two years ago, traffic on Chandler Boulevard increased more than ten-fold. She added that when the freeway opens she is sure the same will happen on McClintock. She pointed out that when accidents in the area occur, traffic is commonly re-routed through the neighborhood, which has limited access. She said that she would see the building from her backyard and asked the Commission to vote to deny the request.

THOMAS ALBRIGHT, 3574 West Chicago Street, stated that since 1980, Hearthstone has had an excellent neighbor, Remuda Ranch, a faith-based, non-institutional setting center, that provides care to women and young, adolescent girls who are suffering from anorexia, bulimia and other such issues. He said that Remuda Ranch is located directly across from the proposed site Gym Time and would be

negatively impacted by the facility. He added that he is speaking as a concerned citizen and is worried that the patients at Remuda will suffer if this is approved. He noted that Remuda Ranch has provided a safe, secure healing environment at this location and this would change if the proposal goes forward.

INGRID DONALDSON, 3725 West Geronimo Street, a resident of the Hearthstone community, stated that they are a community of families and the proposal will affect everyone who resides in that neighborhood. She said that all of the residents' suggestions relative to steps that could be taken to fit into the neighborhood were ignored and their concerns were not even mentioned at the Design Review Board. She added that even suggestions from this Commission, which included single-story, pitched roof and reduced mass were ignored. She stated the opinion that keeping down the cost of the building is the driving force behind their plan and said they don't even know what it is going to be made of. She pointed out that the side of the huge building facing the neighborhood is going to have windows that are 22 feet up and said that the proposed landscaping will not disguise this building. She questioned how long it would take the 12-foot tall trees to reach 25 feet. She commented that there are other uses for the land.

CARA LEWIS, 71 South Criss Place, said she has a two-story home and her bedroom will face the building. She stated that although the facility would be convenient for a lot of people, she would have to look at it every day and night. She expressed concerns relative to decreasing property values and said that she is attempting to sell the home and the offers are significantly lower than the asking price. She further stated that potential buyer said they were afraid that a large building would go on that parcel and that is why she is not getting many offers on her home.

JOHN KAUMANS, 3985 West Denver Street, a resident of Hearthstone and the president of the Board of Directors of Hearthstone I, a group of 198 homes addressed the Commission. He said that he has held meetings to solicit input from the members and reported that they saw the massiveness of the building and they unanimously spoke in opposition to the proposal. He added that concerns include current and increased traffic, safety hazards, cut-through cars, parking and just the huge size of the facility. He said that on two occasions he submitted the Gym Time proposal to the Board of Directors and in both cases they have voted no on the project. He stated that he has been authorized by the Board to express their disapproval of the project. He clarified that they are not against Gym Time itself, they would like to see the owners succeed, but not at this location. He said that they suggest the building be placed on the northwest corner of McClintock and Chandler Boulevard behind the Mobil station and pointed out that this is an industrial park area with good street circulation and wide streets as well.

CHAIRMAN RYAN stated that **PATRICK SHEA**, Arizona State University, Tempe, does not wish to speak at this time but he has written that as a member of the ASU Men's Gymnastics Team, he believes that the facility will greatly benefit youths, families and the entire community.

SAMUEL MOORE, 616 South Hardy, #23, Tempe, advised that he is currently a student at ASU and Team Captain of the University's Men's Gymnastics Team. He said he can understand the concerns that have been expressed but added that he has had 16 years of experience in competitive gymnastics and strongly supports this project. He added the opinion that the site is appropriate for Gym Time and discussed the opportunities he believes the business would provide to young people. He added that the people who are driving there and dropping off their children are loving caring parents who would not disturb the neighborhood. He stated the opinion that if the project does not go forward, someday another one will and it might be an aggressive business that does not cater to the needs of children. He asked the Commission to allow Gym Time to proceed with their plans.

CHAIRMAN RYAN asked if there was anyone else who wished to speak at this time and no one came forward. He thanked all of the speakers for their input. He asked whether the applicant would like to respond to any of the comments that were made.

MS. SENDER once again addressed the members of the Commission and said that the neighbors' concerns are very important and regardless of what they have heard, they have spent a lot of time and expended a lot of effort to address those concerns. She stated that the project before them this evening is an excellent one and will provide a good buffer to the neighborhood. She added that this is exactly the type of transitional use that should be placed on this property.

MS. SENDER stated that an area with existing industrial uses would not be appropriate. She added that it is a safety issues as well, a lot of children ride to this gymnastics center and a lot of them will be walking and that is not an appropriate place for this facility. She said that with regard to Victoria Properties, they have not heard anything and no submittals have come forward. She noted that the building is 150-feet away from the property line to the south and almost 200 feet (if you go straight along the street) to the southeast. She stated that the parking facility that was shown on the screen with all of the cars on the street and all of the overflow (Desert Lights Gymnastics Facility) has only 39 parking spaces and the applicant is current proposing 100 parking spaces on the site, which represents more than sufficient parking for this site. She encouraged the members of the Commission to address any additional questions they might have regarding the traffic study to Mr. Hofflander and noted that the data contained in the study was prepared by a professional traffic engineer. She discussed the extensive lengths they have gone to in order to prove that the project will have minimal impacts on the neighborhood, including changing the driveway access points.

MS. SENDER commented on the issue of a re-use proposal and stated that in response to Commissioner Irby's previous comments they looked at how to reuse this property. She said they investigated different parking layouts and the addition of more parking and reported that they can add 33 additional parking spaces to the site by re-arranging the retention. She stated the opinion that this building is an appropriate and wonderful site for an office building and could be reused for that purpose, which is one of the options that the neighbors have recommended for this location, with a total of 133 parking spaces. She added the opinion that this project will be an attractive building that is compatible with the area and will benefit the community. She pointed out that the PAD allows a variety of uses for this site and added that great effort was expended to ensure that the project is fully compatible with the neighborhood and falls within the uses that were contemplated by the PAD.

MR. BARCLAY addressed the members of the Commission and said that an enrollment of 1200 might sound like a lot but explained that it averages down to approximately 200 youths a day. He added that if they were only open five hours a day, that would amount to 40 children per hour. He stated that the maximum use would be 40 to 60 youths per hour and therefore parking would not be a problem, as some of the speakers have said. He added that every effort has been expended to provide sufficient parking and avoid overflow traffic. He said that when they do hold special events, which will be very rarely because they have to shut their business down to have them, those events will only involve approximately 70 children in a session. He explained that he performed a study on all of the special events a year ago in the State of Arizona and at any one time that is the maximum. He added that although he does not have any special events planned, he would estimate that two to three a year would occur. He explained that all of their events have been hosted at ASU, even their junior competitions, and large events would take place there.

MR. BARCLAY informed the members of the Commission that the Tempe YMCA is located within a residential area and he drives by that every day. He reiterated his opinion that the use is appropriate

for this location and explained that they want to be in a safe, non-arterial or industrial area. He added that they did look into the industrial area by the Airpark but said they could not go in there because children are involved and they would not let them build in that environment. He stated that they are all about changing lives and they want to see that happen here and are willing to do what it takes to do that in this neighborhood.

In response to a question from **CHAIRMAN RYAN**, Mr. Barclay stated the opinion that the proposal contains sufficient parking not only to meet daily demands, but also to meet special event parking needs. He noted that a majority of the cars will be involved in drop-offs rather than parking and said he doesn't want his clients having to search for parking spaces either and will do whatever necessary, including staggering hours, to ensure that this does not happen.

MR. HEUMANN commented on the fact that they were advised that the Desert Lights facility holds events on Sunday and according to the staff report, Gym Time will operate Monday through Saturday. He asked if the facility would be open on Sundays as well. Mr. Barclay responded that they currently operate Mondays through Saturdays and have no plans to be open on Sundays but if they do it would only be for normal classes and special events such as a birthday party, where the parents can bring their child and 20 friends. He added that they do not plan to be open on Sundays.

Discussion ensued relative to the traffic and parking concerns of the residents and Mr. Barclay advised that if Gym Time were to hold a larger event, they would rent space at a high school or another facility rather than impact the neighborhood. He noted that 90% of the major competitions put on by these types of facilities are held at other facilities.

In response to a question from **COMMISSIONER IRBY**, Mr. Barclay advised that the Chandler facility that has only 39 parking spaces is a 20,000 square foot facility. Mr. Barclay added that he took a survey of the top six gyms in the City, and the most parking any of those facilities have is 63 spots and an average of 39 spots. He noted that they would be the only gym in the State with over 70 parking spots. Mr. Barclay responded to additional questions from the Commissioner and stated that if the facility was built without a pool, it would be approximately 22,000 square feet in size.

CHAIRMAN RYAN stated that a two-story home is anywhere from 27 to 30 feet in height and portions of the proposed building would be 33 feet in height. He likened the situation to having two-story home built behind a one story but noted that the distance between the homes would be much more significant in this case. He added that although the project is bigger than the Commission would like it to be, it is a compromise situation because of the proposed use. He noted that to "sink" the building 20 to 30 feet would involve significant costs and stated the opinion that the proposal represents a good compromise.

COMMISSIONER HEUMANN thanked everyone for their input this evening and stated that the proposal is not a Wal-Mart, Target or Best Buy. He stated the opinion that this has been a very long process and the applicant has worked diligently with staff in an effort to alleviate the concerns of the citizens as well as the City. He added that he did not support the original proposal and that is why the Commission sent it to Design Review but added that the revised proposal takes into account many of the concerns that were brought up. He pointed out that if this business does not get built, there is the possibility that a building up to 45 feet could be constructed since that is an approved height for this type of zoning and said that compromise is a big part of this issue. He added that he believes this facility would be a great asset to the City, a world-class type of gym, and commented on the effort that the applicant has expended to address concerns. He stated that he would like a stipulation added that prohibits the operation of the facility on Sundays and noted that a church would generate

approximately 700 cars on Sundays. He added that he would also like to see special events limited in terms of size if that is possible so that overflow traffic problems do not occur. He said that the right stipulations would mitigate problems such as traffic overflow.

VICE CHAIRMAN FLANDERS advised that he works for an architectural firm that does a lot of work on community centers and YMCA's and commented on the fact that other cities have similar businesses in residential communities and they consider the use to be transitional. He added that based on his personal experience, he believes that the proposal makes perfect sense.

MOTION BY COMMISSIONER HEUMANN to approve DVR02-0038 Gym Time with all of the stipulations that are stated above and additional stipulations as follows: Stipulation #9: That the facility not be open on Sundays.

(In response to a request from **COMMISSIONER HEUMANN**, staff indicated they would provide language relative to limiting participation at special events, Stipulation #10.)

COMMISSIONER HEUMANN further continued that approval would also be based on Stipulation #10: That any event that involves over 70 participants will require a Special Use Permit.

COMMISSIONER POLVANI SECONDED the motion.

In response to a question from **COMMISSIONER IRBY**, Commissioner Heumann stated that the days of operation listed in the Staff Report are Mondays through Saturdays and he believes that a stipulation requiring that they do not operate on Sundays is appropriate and will benefit the neighbors.

MR. BARCLAY commented that he appreciates what the Commission is trying to do and he thinks they could live with it although he would not like to be "locked" into it. He explained that they do not do regular class hours at all on Sundays and added that although they do not hold birthday parties on Sunday now and have no plans to do so, it worries him from a financial aspect to be prohibited from occasionally doing that.

COMMISSIONER HEUMANN stated that he is just looking for a way to make it work for everybody and that one or two years down the road, when Gym Time has proven itself to be a good neighbor, perhaps the issue of Sunday operations could be readdressed. He added the opinion that this would provide the neighbors with a certain comfort level.

MR. BARCLAY asked whether the stipulation could simply outline limits for what could occur on Sundays. The Chairman pointed out that a motion has been made and seconded and asked whether anyone wanted to amend the motion.

VICE CHAIRMAN FLANDERS discussed the parking issue on residential streets and asked staff whether it was possible for the Commission to restrict parking on the sides of the streets adjacent to this site.

Staff member **PAUL YOUNG** responded that staff could certainly look into restricting parking on what is referred to as the collector road, Hearthstone Way. **VICE CHAIRMAN FLANDERS** asked whether they could restrict the parking on the property lines that are adjacent to the collector street. Mr. Young stated that it is possible to do so and staff will follow up on this suggestion. He indicated his intention to discuss the issue with the City's Traffic Studies Manager.

VICE CHAIRMAN FLANDERS MOVED that the motion be amended to include Stipulation #11, which states that: The parking be restricted on the side of the street adjacent to this project, on the three streets.

COMMISSIONER HEUMANN agreed to amend his motion to include Stipulation #11 and **COMMISSIONER POLVANI**, who seconded the motion, also agreed. **MOTION CARRIED UNANIMOUSLY (7 to 0).**

CHAIRMAN RYAN advised that this issue will be heard by the Council on October 23rd and thanked everyone for their attendance and input at this meeting.

(Chairman Ryan declared a five-minute recess at this time.)

J. UP03-0038 GIBIDES GOURMET HOT DOGS & HAMBURGERS

ASHLEY BAILEY, PLANNER, stated this is a liquor use permit application for a Series 12 restaurant license. The restaurant is located at the northwest corner of Alma School Road and Germann Road within the Alma School Town Center. The building is approximately 14,000 square feet and has a seating capacity of 42 people. The restaurant will be open in the fall 2003 and has proposed business hours of Monday through Wednesday 11 a.m. to 9:30 p.m., Thursday through Saturday 11 a.m. to 1 a.m., and Sunday from 11 a.m. to 6 p.m. There was an additional stipulation added during Study Session for the Use Permit to remain in effect for one year from the effective date of City Council approval. Ms. Bailey stated that the applicants are present. Ms. Bailey stated that staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only, and any changes in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use permit is non-transferable to any other store location.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require a reapplication of the Use Permit.

CHAIRMAN RYAN stated to the applicant that there is a concern about the hours of operation. He said that when Commission sees that an establishment is open until 1:00 a.m., they begin to wonder if this is a food establishment or a bar. It's not so much that it's a bar, but instead, it's the location. He stated that Commission wants to know what kind of establishment they are running and who are the patrons.

MR. CARY GIBIDES stated that this is a restaurant and that the competitive advantage to stay open late is to compete with Wendy's, Applebee's and all the folks that work late shift at night at Intel.

Financially, he believes they need those sales to make the business profitable. Mr. Gibides further stated that this is a small place with 42 seats, no darts, and no pool tables.

CHAIRMAN RYAN asked if there is a time limit on this item. Ms. Bailey said that a one-year time limit was added during Study Session. **CHAIRMAN RYAN** stated that he is willing to go one year and see how it goes, making sure that in one year, if there are any police reports, that this matter will come back before them.

COMMISSIONER HEUMANN commented that there was a large brawl recently at a property that stays open until 1 a.m. That is one of the concerns with the Commission. He went on to state that this property is less than 120 feet from some residents, which is a concern.

MR. GIBIDES explained that there is not a bar area, just tables and chairs, and the section in the middle of the floor is a condiment section for sauces and dips. The kitchen is behind the booths, no pool tables and no darts. **COMMISSIONER HEUMANN** stated that he did not have a problem with one year.

MOTION BY VICE CHAIRMAN FLANDERS, SECONDED BY COMMISSIONER HEUMANN to approve UP03-0038 Gibides Gourmet Hot Dogs & Hamburgers, subject to conditions as recommended by Staff and listed above. **MOTION WAS APPROVED (6-0).**

P. PDP03-0015 TUTOR TIME CHILD CARE LEARNING CENTER

THOMAS RITZ, PLANNER, stated that this request is a Preliminary Development Plan for a day care center located at 2050 West Ray Road, west of the NWC of Ray Road and Dobson Road. He noted that the nearest residential is across Dobson Road to the south. He advised that this is part of a larger commercial corner originally zoned in 1999 and added that Osco was the first phase of a concept plan with retail entirely around it. He noted that the as part of the Preliminary Development Plan, the applicant is requesting a reduction in the required parking and staff has reviewed the parking study provided and is satisfied with the justification for a reduction to 84 spaces. He pointed out that the parking will still be comparable to other Tutor Times located throughout the Valley. He added that staff is adding a stipulation requiring a revised parking study for any other use changes in the future. He said that as far as the questions that were raised at the Study Session, the applicant indicated a desire to keep the two unique modifiers on the side that were not repeated elsewhere but could live with the elimination of those modifiers on the side.

MR RITZ said that basically the ceiling heights are 10 feet four and in some of the rear classroom buildings they are 14 feet to accommodate false ceilings and decorative tree features in the central play area. He noted they are 14 feet as well in the music area as well as in another play area. He added that the ceiling in the domed area, the rotunda, is 22 feet. He stated that there are components in the interior of the building ranging from 14 to 22 feet. He advised that staff, upon finding consistency with the General Plan and previously approved Planned Area Development zoning, recommends Preliminary Development Plan approval for a day care subject to the following conditions:

1. Compliance with original stipulations, adopted by City Council, as Ordinance No. 2855, in case PL98-0029 OSCO DRUG, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Tutor Time Child Care Learning Center" kept on file in the City of Chandler Current Planning division in File No. PDP03-0015, except as modified by condition herein.

3. Any use other than for a day care shall require a parking study approved by the City of Chandler to demonstrate that adequate parking exists for the new use.

In response to a question from **COMMISSIONER HEUMANN**, Mr. Ritz clarified that the applicant has come forward with an initial proposal for the identifier in the front, two modifiers also on the front, and three on the side. He explained that the applicant would prefer that the two modifiers that are unique to the side infant care and kindergarten remain, but after further discussion they can live with the elimination of the side modifiers.

COMMISSIONER IRBY said that he talked with Mr. Ritz after the Study Session regarding his concern about the height of the building. He said he just wanted to have it "shortened up" a little. Discussion ensued relative to the fact that the building is 30 feet at maximum height.

CHAIRMAN RYAN asked whether the applicant wished to speak at this time.

BORIS GITKA, representing the architectural firm, stated that Mr. Ritz's presentation was accurate and thorough.

Discussion ensued relative to the height of the building and Mr. Gitka explained that some of the ceilings are 14 feet due to the program that the tenant established; the fact that there is some indoor play equipment and play houses that require a ceiling height of 14 feet; modifiers, and a request from the Commission that the modifiers on the east side be eliminated.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER IRBY, that PDP03-0015 Tutor Time be **APPROVED** with the additional stipulation on the sign package that the modifiers on the east side be eliminated. **MOTION CARRIED UNANIMOUSLY (6 to 0).**

6. DIRECTOR'S REPORT

There was no Director's Report at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting will be held on October 15, 2003 at 5:30 p.m. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

CHAIRMAN RYAN adjourned the meeting at 8:32 p.m.

Phil Ryan, Chairman

Douglas Ballard, Secretary

MINUTES OF THE OCTOBER 15, 2003 PLANNING AND ZONING COMMISSION MEETING
OF THE CITY OF CHANDLER, ARIZONA, in the Council Chambers, 2nd Floor, Chandler Public
Library, 22 South Delaware Street.

CHAIRMAN RYAN called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance was led by Commissioner Schmidt.

3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Ms. Jeanette Polvani
Mr. Michael Flanders	Ms. Shiela Schmidt
Mr. Rick Heumann	Mr. Brett Anderson
Mr. Mark Irby	

Absent & Excused:

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principle Planner
Mr. Geir Sverdrup, Planner II
Mr. Kevin Mayo, Planner
Ms. Jodie Novak, Planner
Mr. Thomas Ritz, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES:

COMMISSIONER HEUMANN asked that a correction be made on Page 22 on Item J of the October 1st minutes. One stipulation had not been included pertaining to changing of floor plan or addition of other entertainment area will require reapplication of the Use Permit. **MOVED BY COMMISSIONER HEUMAN**, seconded by **COMMISSIONER IRBY**, to approve the minutes of the Regular Meeting of October 1, 2003 as amended. **MOTION CARRIED UNANIMOUSLY** by those present (7 to 0).

5A. CONSENT AGENDA:

CHAIRMAN RYAN explained to the audience that the Planning and Zoning Commission met prior to this meeting and reviewed items on the agenda. Some items have been placed on consent, and these items will be voted on with one vote. Those items are: Item A-Calabria, Item B-Cobblestone Square, Item C-Santana Ridge, Item F-1505 N. Alma School Road, and Item H-Focus Corporate Plaza. **CHAIRMAN RYAN** asked if anyone in the audience would like to pull any one of these items, and if so, to raise their hands. There was no response from the audience.

CHAIRMAN RYAN asked **JEFF KURTZ, CURRENT PLANNING MANAGER** to read the additional stipulations. Mr. Kurtz stated that there would be added stipulations to **Item C – Santana Ridge Apartments**.

Condition No. 11:

“The entry drive at Markwood Drive shall be limited to exit only unless a turn-around drive is provided.”

Condition No. 12:

“The entry monument sign exhibit at Gilbert Road shall be included with the Development Booklet.”

The next item is on **Item F, which is 1505 N. Alma School Road**.

Condition No. 5 is proposed:

“The parking shall be screened from Alma School Road by the use of items such as but not limited to parking screen walls, berming, and/or additional landscaping shrubs. Details to be worked out with Staff.”

Condition No. 6:

“The Use Permit shall be effective from one year from the date of Council approval. Operation of the business beyond that date shall require reapplication and approval of a new Use Permit.”

And lastly, Condition No. 7:

“Future building and monument signage shall require a separate Use Permit approval.”

The last item is **Item H, which is the Focus Corporate Plaza**. Staff is proposing a modification to Condition No. 4. It would read:

“Additional 3-foot high screening shall be provided along Chandler Boulevard at the central portion of the site.”

A new Condition No. 6:

“The pedestrian access path between the parking lot and the building shall have a textured paving surface.”

MR. KURTZ stated that these are all the additions to the recommendations. **COMMISSIONER HEUMANN** commented to Staff that he requested an additional stipulation be added to Item C – Santana Ridge Apartments regarding additional guest parking. **BOB WEWORSKI, PRINCIPLE PLANNER**, stated that an additional stipulation could be added to Item C as follows:

“The applicant shall work with Staff to provide additional guest parking spaces within the development.”

CHAIRMAN RYAN asked Commission members and the audience if anyone had any questions, comments, or concerns about the additional stipulations that had been read. There were no questions.

A. DVR03-0029 CALABRIA

APPROVED, a request for action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the one year schedule for development or to cause the property to revert to the former zoning classification. The existing Planned Area Development zoning is for a 47-lot single-family subdivision on approximately 30 acres. The property is located at the southwest corner of Brooks Farm Road and Cooper Road.

Staff, upon finding consistency with the General Plan, Southeast Chandler Area Plan, and Section 23 Area Plan, recommends extending the approved zoning for **two (2) years**, with all of the conditions in the original approval remaining in effect.

B. DVR03-0027 COBBLESTONE SQUARE

APPROVED, a request for a Planned Area Development (PAD) amendment to modify the allowed uses from a physical therapy office to retail with Preliminary Development Plan (PDP) on a portion of an approximate 7.38 net acre parcel located at the southeast corner of Ray Road and McQueen Road.

Staff, finding consistency with the General Plan, recommends approval of the rezoning amendment with Preliminary Development Plan subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Cobblestone Square - SEC McQueen Road and Ray Road, PAD and PDP amendment", kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0027, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3466, case DVR03-0002 Cobblestone Square, except as modified in condition herein.
3. No sexually oriented businesses, as defined by the Zoning Code, shall be permitted.

C. DVR03-0026 SANTANA RIDGE APARTMENTS

APPROVED, a request for rezoning from Agricultural (AG-1) to Planned Area Development (PAD) Multi-family along with Preliminary Development Plan approval for an apartment complex on approximately 15 acres located at the southwest corner of Gilbert Road and Markwood Drive.

Staff recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Santana Ridge Apartments", kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0026, except as modified by condition herein.

2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half widths for Gilbert Road and Markwood Drive, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the

requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Santana Ridge Apartments development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. The driveway access on Markwood Drive shall be limited to exit only, unless a standard turn around is provided.

F. UP03-0019 1505 N. ALMA SCHOOL ROAD

APPROVED, a request for Use Permit approval to operate a professional office in a Mobile Home (MH-1) zoning district for property located at 1505 N. Alma School Road (North of the northeast corner of Knox and Alma School Roads).

Upon finding consistency with the General Plan and Residential Conversion Policy, Staff recommends approval of the Use Permit subject to the following conditions:

1. Any expansion or modification beyond the approved Site Plan shall void the Use Permit and require a new Use Permit application.
2. The Use Permit shall be granted for a period of one (1) year, at which time re-application shall be required.
3. The parking areas shall be improved.
4. The number of employees occupying the residential conversion shall not exceed two (2).
5. The landscaping shall be improved per the attached Site Plan.

H. PDP03-0031 FOCUS CORPORATE PLAZA BANK

APPROVED, a request for Preliminary Development Plan amendment for a bank drive-thru use at a commercial office center located at 555 West Chandler Boulevard.

Staff, upon finding consistency with the General Plan, recommends Preliminary Development Plan approval, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, "Exhibits", entitled "Focus Corporate Plaza" kept on file in the City of Chandler Planning Services Division, in File No. PDP03-031, except as modified by condition herein.

2. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
3. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. Additional 3' high screen walls shall be provided along Chandler Boulevard between the landscape berm and adjacent parking lot at the central portion of the site.
5. Building signs will be limited to individual dark bronze letters without illumination.

CHAIRMAN RYAN stated that, for the record, his Consent Vote would not include Item A – Calabria or Item C – Santana Ridge Apartments as he was a consultant to the applicant for both projects. **MOVED BY VICE CHAIRMAN FLANDERS**, seconded by **COMMISSIONER POLVANI, TO APPROVE THE CONSENT AGENDA** with the additional stipulations as read by Staff. **COMMISSIONER HEUMANN** commented that, for the record, he would be voting No on Item B. He further stated that he had voted No the first time this item came before Commission, and his mind has not changed on that. **MOTION WAS APPROVED (7-0) WITH ONE “NO” VOTE ON ITEM “B” FROM COMMISSIONER HEUMANN.**

5B. ACTION ITEMS:

B. PDP03-0033 CROSSROADS TOWNE CENTER

JODIE M. NOVAK, PLANNER stated that the request before the Commission is PDP03-0033 Crossroads Towne Center. This application is a request for Preliminary Development Plan (PDP) approval of a comprehensive sign package for a regional commercial center located at the northwest corner of Gilbert Road and Germann Road. This application came before the Commission in July of this year, requesting rezoning with Preliminary Development Plan approval for site layout, building architecture, and a comprehensive sign package. The comprehensive sign package was for building signs, tenant monument signs, and freeway monument signs; however, the Planning Commission recommended that the sign package come back as a separate application to address design of the freeway monument signs and the number of signs that were being proposed for the regional commercial center.

The Planning Commission had expressed concern that the freeway monument signs lacked uniqueness and wanted the applicant to further work on some of the design with the signs. Commission requested that the freeway monument signs be designed in a manner that was different than the typical heights and designs of freeway signs associated with other regional commercial centers in our city. Staff is of the opinion that the original Preliminary Development Plan application for sign package, as well as the current application, is consistent with the overall design and theme of the shopping center. The Preliminary Development for sign package has not changed since the original submittal back in July. Staff, finding consistency with the General Plan and PAD zoning, recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Crossroads Towne Center PDP Sign Submittal Comprehensive Sign Plan," kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0033, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3470, case DVR02-0045 Crossroads Towne Center, except as modified by condition herein.

VICE CHAIRMAN FLANDERS asked if Staff was in favor of this, and if the applicant agrees with all the stipulations that have been requested. **MS. NOVAK** stated that Staff recommends approval of the current application with the two stipulations of record, which is to still be in substantial conformance with the original approval for this regional commercial center and those stipulations that were part of the original adoption. They are not asking for any changes. The applicant is proposing to maintain the original sign package that they had original approval for, and that is what they are requesting. **VICE CHAIRMAN FLANDERS** questioned whether the applicant was in agreement with the staff report and stipulations. **MS. NOVAK** stated that all of all the stipulations are acceptable to the applicant. The applicant agrees to those and they are still part of the record. **VICE CHAIRMAN FLANDERS** stated that if that were the case, why would this item not be on the Consent Agenda. **MS. NOVAK** commented that one of the Commission members requested that this be an Action Item. Some Commission members at the previous case in July expressed concern with the designs, and tonight they would like to talk about that and work on some of the design. **VICE CHAIRMAN FLANDERS** thanked her for reminding him of that fact.

COMMISSIONER HEUMANN stated that he was the Commissioner who requested that this item be pulled. He stated that back in the July meeting there was a very intensive sign package, and he didn't want to take away from the center that was being built and so he had asked for it to be pulled. There are approximately 24 signs at the center, which is well above any kind of code that the City has. He stated that he asked the applicant to go back to the drawing board and come up with something other than what was being proposed. He stated the opinion that basically they are a bunch of plastic cabinet signs. He stated that was his reason for pulling it at that time. He had some serious concerns about the sign package compared to the quality of the center that is being built.

MR. RALPH PEW, 10 West Main Street, Mesa, an attorney representing the developer Vestar, addressed the Commission regarding this item. He said that staff accurately described why they were there this evening and added that the proposal is a comprehensive sign package, pursuant to the City's Preliminary Development Plan (PDP) requirements in connection with this large commercial project. He stated that they are probably here tonight because of the size of the project, 82 acres, probably double the size of most commercial projects and larger than that for neighborhood centers. The issue at the July meeting, in their opinion, was not the applicant itself but whether or not they were

presenting a sign package consistent with the number of signs, the location of signs, and the height of signs that have been previously approved by the City of Chandler. He said that the current proposal has been reviewed and recommended for approval by staff and is not by any means out of line in relation to other projects both in Chandler and the companion project to this which is on the other side of Gilbert Road in the Town of Gilbert. The project is located at the southeast corner of the new freeway and Gilbert Road, a prime location and the last opportunity for the City in the eastern end to do a project of this nature. He stated that the sheer magnitude and size of it should allow for some flexibility in the sign package and added the opinion that the sign design, its architectural elements, its color, and its theme all accurately reflect the quality of the project. There are no other signs that look like this in the City, there are no other signs that were designed to look like this because these signs were designed specifically for this project. He added that when you compare it to other projects in the City, it becomes clear that the proposal is very compatible and consistent, especially as it relates to the height and the quantity.

MR. PEW also urged the members of the Commission to keep in mind that the southern boundary of this site is the end of the runway for the airport. This is not a commercial project that has to be designed to minimize impacts on existing residential properties. There are no residences located anywhere near this project that would be affected and it is a clearly dedicated commercial site that should be intense in nature. He stated the opinion that this is not a site that should prompt the City to evaluate its sign criteria. He reiterated that the proposal is consistent with what has been approved in the past. He said that they agree with all of the recommended stipulations and asked the Commission to recommend approval of this case to the City Council.

COMMISSION HEUMANN said that he appreciated Mr. Pew's comments relative to other signage throughout the City and noted that over the last three to four years, since projects such as Casa Paloma and the Westcor center at 101 came on line, the City has raised its commercial guidelines standards as well as its residential standards. He stated that the signs basically appear to be plastic signs and lack uniqueness. He advised that he had no problem at all with the project itself but said that the site, although next to the airport, is a very visible part of the City of Chandler. He added that nothing really changed from the last proposal to the current one and indicated his disappointment that more effort did not go into the signage issue.

MR. PEW clarified that he was not stating that the site's location justified a diminution in the quality of the project. The Town of Gilbert does have two freeway signs, but the frontage along the freeway is significantly less and the overall size of the project in Gilbert is less. He emphasized that they are in no way proposing a signage package that would cheapen the project and said they want to do a first class job.

PAUL BLEIER, representing Bleier Industries, 2030 West Desert Cove, Phoenix, the designer of the proposed sign package, stressed the importance of recognizing that the project will have as skilled a sign program as those seen anywhere in the community. Vestar does not use plastic faced signs and haven't used them on any of their projects for at least fifteen years. The proposal calls for two monument signs on Gilbert Road and three monument signs along Germann in contrast perhaps to the Gilbert project approved across the street where a quantity of seven free-standing signs were approved. He noted that the approval did not include separate, smaller, lower profile monument signs or pad signs that would be put out for smaller pad uses. Gilbert's approach was to have everyone on the larger signs and allowed more of them. He stated that the signs they are proposing tonight are identical in design concept and include what they call a routed aluminum face. He referred to slides depicting similar signs and illumination effects that they have erected at other sites to illustrate what they are proposing for this project. He referred to a slide showing another type of sign that his

company built and recently installed in Avondale and said that they are seriously considering pursuing it as well. He stated that these are the high quality type of signs they are proposing and there are no acrylic faced signs on any of the monument signs that they have requested.

MR. BLEIER said that they have a very unique design that they are including between their two end poles, a material called “green screen,” a very integrated mesh of wire that is powder coated but allows plant materials to actually grow and inter-weave between it. He noted that this was successfully used at Vestar’s project out at Desert Marketplace. A number of the perimeter signs include green screen treatment and there is a lot of green screen throughout their project as well. He said they intend to use green screen on the signs they are proposing. He noted that the signs are in compliance with the City’s ordinance requirements as modified by their allotment for letter heights, etc. He emphasized that Vestar does not allow any sign that they have not critically reviewed to be erected and their stamp of approval will be on the drawings when they are submitted to the City for actual building permit issuance. He pointed out that the 82-acre site has approximately 2600 feet of frontage along the freeway while the Gilbert Road site has less than half of that, about 1000 feet of frontage.

MR. BLEIER stated that they are requesting three signs and said that freeway signs are used for “destination” purposes and allow for safe exiting off of the freeways. He added that it makes it more of a landmark. He pointed out that this intersection will have a very high density of commercial use once it is built out. He added that it is important for the success of the center to offer its full value to the community by providing this identification to its major tenants. He asked the Commission members to keep in mind that anyone who misses the exit they are looking for will wind up having to travel quite a ways down the road in order to circle back, sometimes miles. He also noted that the community is no longer being accessed by only local people and customers come from many different parts of the community. He emphasized the importance of the signs from the standpoint of a tenant wanting to know where and how their identification will be placed. He requested that the Council be understanding in this situation and said he would be happy to respond to any questions.

In response to a question from **COMMISSIONER HEUMANN**, Ms. Novak responded that the Town of Gilbert’s site has the same amount of frontage along Gilbert Road while the proposed site has approximately one half of a mile frontage and their frontage is approximately a quarter of a mile. She noted that the sign package that was considered for the Town of Gilbert was for Site A, which is only the northeast corner. She advised that the package contains two freeway monument signs, seven multi-tenant signs and one shopping center identification sign. She stated that the current proposal before the Commission is a request for a total of 24 signs.

MR. BLEIER responded to additional questions from Commissioner Heumann relative to the signage slides previously discussed that are in place at other locations and the current proposal. Commissioner Heumann stated that the signage erected in Avondale and Desert Ridge is unique, while the current proposal reminds him of white cabinet signs.

MR. BLEIER apologized for the poor quality of the color copies reproduced by Alphagraphics and said that had they been run of a laser printer, they would show a much sharper color image. He added that in performing an analysis of the number of tenants they may need to identify, they went through what they call “maximum division.” He referred to a slide, which depicted maximum division and explained that all of Anchor 1 and Anchor 2, at the discretion of Vestar, could be given to a major user if it was so negotiated and required. On the other hand, if they had to split that upper panel and satisfy two anchors, that’s about all that could go on the upper panel and still qualify as typical anchor identification. He also discussed the lower portions of the signs and stressed the importance of flexibility. He assured the members of the Commission that the signs would be equal to or better than

what they saw in the other pictures. He stated the opinion that the sign package is unique and contains many elements that will stand out and create the landmark.

In response to concerns expressed by **COMMISSIONER HEUMANN** relative to the possibility that the sign panels could contain up to ten tenant names on the bottom half, Mr. Bleier responded that the likelihood would be non-existent and added that they would be willing to stipulate a maximum number. He emphasized that they designed the proposal on the basis of maximum needs and not from the standpoint of trying to put in as many sign panels as they could. He stated that in order to maintain consistency between this project and the Gilbert project, they attempted to maintain the same look. He added that the masonry base could be a stone base but what is being proposed is the exact same sign that was approved across the street. He clarified that they are proposing 20 signs, not 24, and pointed out that Gilbert approved seven of the larger signs in lieu of two signs for example along Gilbert in Chandler. He added that on Germann, where Chandler has a much longer frontage, they are only requesting three signs, while Gilbert, with its shorter frontage was allowed to erect three. He explained that they are attempting to use the fewer larger signs for major anchors and mini-majors and leave the smaller design signs, the pad signs which make up the large number he is hearing in terms of the differential qualities, for the use of pads with single uses that might be built closer to the street.

COMMISSIONER HEUMANN reiterated his concern that cinder block is being proposed rather than stone and Mr. Bleier stated that they were trying to remain consistent with the design of the Gilbert project but he is sure that they would consider stone if that is the desire of the Commission.

COMMISSIONER ANDERSON commented that he had not seen an illustration for the center's ID ST3, on the corner of Germann and Gilbert Road, and asked whether a design was available. Mr. Bleier responded that they have that currently listed as "to be determined" and added that it will basically be an entry monument type of feature that would identify the center. He noted that the one on the Gilbert project has yet to be designed as well. He emphasized that it will be used strictly for the center's identification and will not contain any tenant names.

In response to a question from **CHAIRMAN RYAN**, Mr. Bleier advised that Gilbert's original project was approved through the Town's PAD process. He added that Gilbert has subsequently changed their sign package and they went back in and asked for the monument signs. He stated that technically they would permit those types of signs through their Code, but because of the PAD they would have to go back through the PAD process. He noted that the new Code does allow for more multiple signs.

CHAIRMAN RYAN expressed the opinion that what the Town of Gilbert is doing makes sense to him. He said that from a landscaping perspective, signs are very valuable and therefore they want to obtain maximum visibility, which means not placing any plants or trees in front of them. He stated that if signs are placed every 200 to 300 feet, all of a sudden the landscaping becomes non-existent. He added that the City Code prohibits the blocking of signage with plant material. He said he believes that there is sufficient concern to warrant forwarding the case onto the Design Review Board.

MR. PEW stated that although the Commission certainly has the prerogative to do that, this case is well on its way and they would prefer that they vote on it this evening one way or another. He added the opinion that the proposal warrants their support. He commented that the sign package is not unreasonable and if they took the added time to go through the Design Review process, the project would not be able to move forward. The development agreement is in place, the Council has approved that agreement, and they are "off and running" since they did not anticipate that the sign package would have to be reviewed by the Design Review Board. He reiterated his request to vote one way or another on the issue this evening.

COMMISSIONER HEUMANN said he thought that he was pretty clear about his concerns at the last meeting and he didn't receive any telephone calls between then and now. He stated that when they passed this project through in July, there was no stopping the project, so he doesn't know why now the project is going to be stopped if the sign package is slightly delayed. He added that there are questions that he would like answered as well and said he agrees with Chairman Ryan's suggestion that the issue be sent to Design Review.

MR. PEW questioned the difference between this proposal and other projects within the City and stated that if they were asking the Commission to do something that was exceedingly different than what has already been done he would agree with them. He stated the opinion that what they are proposing is right in line with other projects and noted that he has never heard of a sign package going to Design Review.

CHAIRMAN RYAN commented that he is not opposed to the sign package but believes there is always room for improvement. He further stated that if sending it to Design Review would hold up the project, the Commissioners would deal with it tonight but added that he doesn't believe it would. He stated that he also believes that there is room for some "fine tuning."

CHAIRMAN RYAN asked if there was anyone in the audience who wished to speak at this time. There were no citizens present who indicated they would like to address the Commission.

MOVED BY COMMISSIONER HEUMANN, seconded by **COMMISSIONER SCHMIDT**, **THAT PDP03-0033 BE SENT TO THE DESIGN REVIEW BOARD FOR REVIEW AND THAT THE CASE BE CONTINUED TO THE NOVEMBER 19, 2003 MEETING.**

VICE CHAIRMAN FLANDERS commented that stated that he has looked at other sign packages that were approved and that the proposed signs are appropriate as far as height and materials. He indicated that he does not have any problems with the sign package and does not support sending the case to Design Review.

COMMISSIONER IRBY concurred with Vice Chairman Flanders' comments and added that based on discussions this evening, he would like to see stone bases but the upper portions could remain the same and complement what is happening in Gilbert. He said that he too would not support the motion.

COMMISSIONER POLVANI agreed with the comments of the two previous speakers and said she will also be voting in opposition to the motion to forward the case to Design Review.

COMMISSIONER ANDERSON stated that although there are some items that could be improved, overall he does not object to the package and would oppose the motion.

CHAIRMAN RYAN called for the vote and the **MOTION FAILED** for lack of a majority (4 to 3) with **VICE CHAIRMAN FLANDERS, AND COMMISSIONERS IRBY, POLVANI AND ANDERSON VOTING NO.**

COMMISSIONER HEUMANN stated that he would like to discuss additional stipulations that include working with staff and using stone rather than concrete on the bases to complement Gilbert's project. He added that he could live with multiple signs if there was a way to ensure that the smaller tenants are allowed some type of signage as well.

MR. PEW said that with a project of this size, there is no way that every tenant can have a sign. He added that the dynamics of developing a shopping center of this nature is that the smaller tenants come to the center because they derive benefit from the larger users. They locate where they do because of the other main anchors and many are not looking for signage. He added that although negotiations occur between the developer and potential tenants relative to signage, he does not believe it appropriate to include a stipulation such as the one being recommended. He noted that if a small tenant wants a sign and is willing to enter into an agreement with Vestar, they would be willing to discuss that with them but this would not be the case with a majority of the smaller tenants.

COMMISSIONER HEUMANN commented on the fact that requests are received from smaller tenants for the use of banner signs based on the fact that they cannot get their name out there for people to see and added that he has seen the use of rotational signs to assist those smaller tenants. He clarified that he is simply asking them to work with staff on helping the small businesses, which are the backbone of this country.

MR. PEW emphasized that Vestar certainly would not want a small business to fail and would do everything they can to avoid that. He added that although he cannot stand before the Commissioners this evening and say that every small tenant will get a sign, Vestar has listened to what has been said that will focus on that.

CHAIRMAN RYAN commented that he would like to explain the reason he voted to continue this to Design Review. He said that the signage issue has never been a problem for him and he believes that they are good quality signs. He stated that his concern centers around the number of and need for the smaller monument signs. He added the opinion that additional larger signs would be appropriate for a project of this size and would eliminate the need for the smaller signs which ruin the appearance of the streetscape. He stated that at this point in time he would not ask that the signs be changed but said that he wanted to point out to staff and to the Council that he would like to pursue reducing individual smaller gas signs, etc.

COMMISSIONER HEUMANN discussed the freeway signs and said he would like to eliminate having multiple names and would prefer to see full tenant names similar to the ones used on the 101 project. He stated that he would like to add a stipulation relative to that.

MR. PEW asked whether Commissioner Heumann was saying that on the freeway signs there should be no splitting of the horizontal panel on the lower portion. **COMMISSIONER HEUMANN** said that was correct and added that having three freeway signs would still allow the applicant to have 21 impressions visible from both the east and west direction. **MR. PEW** commented that they could agree to not dividing the panels.

COMMISSIONER HEUMANN stated that he would like to add a stipulation that the bottom coating of these signs be stone veneer rather than block.

VICE CHAIRMAN FLANDERS commented that he agrees with Councilmember Anderson regarding the stone bases and said that a stipulation could be crafted that the applicant work with staff to provide a variety of different materials, either stone or masonry. He added that another stipulations stating that any sign that is blank with white panel should have a decorative fill in panel leader with some design or color. He noted that this would be temporary until the actual sign is in place.

MS. NOVAK pointed out that a stipulation relative to the panels referred to by the Vice Chairman has already been included in the original ordinance (No. 12).

COMMISSIONER SCHMIDT stated that this should not in any way be an adversarial process since everyone was there to achieve the goal of developing the best possible project, including the signs. She added the opinion that Commissioner Heumann brought up a number of very good points and it was her hope that if the case went to Design Review, she would get a better understanding of some of the issues that were discussed at the meeting. She said that since that is not going to happen, she would request that a summary of the proposed stipulations be outlined as part of the vote.

CHAIRMAN RYAN responded that the vote maker will clarify the stipulations and added that he believes the process has been an emotional rather than adversarial one.

MOVED BY COMMISSIONER HEUMANN that PDP03-0033 CROSSROADS TOWNE CENTER be approved with the following additional stipulations: Stipulation No. 3, to limit the freeway signs to single-panel names with no subdividing of the panels; Stipulation No. 4, the applicant will work with staff to use either stone, masonry or materials that are used in the center to enhance the monument signs and Stipulation No. 5, that the applicant will review the monument signs in an effort to assist and enhance the small businesses and provide them an opportunity to have space on some of those signs.

COMMISSIONER HEUMANN clarified that he is not stating that every small business should have space but perhaps something could be worked out with the tenants to place their names on the signs on a rotational basis.

VICE CHAIRMAN FLANDERS seconded the motion, which **CARRIED UNANIMOUSLY** (7 to 0).

MR. PEW thanked the members of the Commission.

(Chairman Ryan declared a brief recess at this time and the meeting shortly reconvened.)

E. PDP03-0016 RIGGS LANDING

PLANNER BOB WEWORSKI addressed the Commission relative to this agenda item and stated that this case is a request for Preliminary Development Plan approval for a commercial retail shopping center located on the NWC of Riggs and McQueen Roads. This parcel is part of the Southeast Chandler Area Plan, which designates this particular land use as Transitional Suburban Character. This use promotes development with a rural/agrarian character that includes enhanced streetscapes. In 2000, the property was zoned for this commercial retail center as part of the Paseo Crossing residential development, located north and west of the site. Mr. Weworski discussed surrounding projects/zoning and said that the site is just under 10 acres with a major anchor building of approximately 25,000 square feet with retail, in-line shops, a pad building and a pharmacy building at the corner intersection. He discussed the standards upon which such requests are judged (General Plan and Southeast Chandler Area Plan) and said that staff believes that the building/architecture meets those standards, however, staff does not feel that the project adequately meets the site development standards and recommends denial of the request.

MR. WEWORSKI noted that the street frontage meets the City's minimum code standards but does not meet the Southeast Chandler Area Plan requirement of trying to promote enlarged streetscape landscaping, not dominated by parking lots but rather landscaping. He added that the plan also calls

for buildings located in landscaped settings and staggered parking. In this case, they are maxing out the allowable retention in the streetscape and the Area Plan as well. The Commercial Design Standards encourage a reduced amount of retention in those areas. The landscaping along the streetscape does not meet the requirements for 48, 36 and 24-inch box trees. The proposal indicates parking in a conventional setting rather than being dominated by landscaping. This type of zoning also promotes pedestrian areas and public art and although the plan proposes some small pedestrian spaces in front of some of the smaller buildings, staff does not believe they are being integrated in a harmonious way where a strong integration between the buildings is provided.

MR. WEWORSKI stated the opinion that the layout does not allow for the project's maximum potential and noted that a neighborhood meeting was held and attended by two neighbors who live immediately adjacent to the northern property line. The neighbors' main concern was site lighting spilling into their backyards but were satisfied with the design after staff explained that the project was in conformance with commercial lighting ordinance requirements. The applicant is requesting both pan channel and reverse pan channel letters without any type of consistency and staff believes improvement could be made in this area as far as consistency, color and illumination that would be in better conformance with the character of the site and the area. The proposed monument signs are pretty much in line with current standards. He stated that upon finding the request to be inconsistent with the General Plan and Southeast Chandler Area Plan, staff recommends denial of the application.

In response to a question from **CHAIRMAN RYAN**, Mr. Weworski stated that the applicant feels that they are meeting a lot of the standards and a difference of opinion exists as to how much of the guidelines have been met as far as the Southeast Chandler Area Plan. Although staff and the applicant have agreed on a number of the things, issues related to site development remain outstanding.

VICE CHAIRMAN FLANDERS agreed that the design is good but the site layout does not meet the requirements of the Southeast Chandler Area Plan. He said he agrees with staff's findings and recommendation.

JESSEE MACIAS, representing the applicant, thanked staff for their efforts to date. He stated the opinion that the applicant has met all of the requirements except the 45 degree angle of the pads to the street and the landscaped setting. He added that neither a 45 degree angle or a landscaped setting constitute compliance with the Southeast Chandler Area Plan requirements or the agrarian theme. The 45 degree angle does not work for this site and the applicant believes that they are proposing a very good landscaped setting in accordance with the Plan's promotion of broad and open vistas. He added the opinion that they are proposing an architectural theme that far exceeds anything that currently exists and will be a great addition to the City. He discussed their commitment to bring forward a high quality design excellent project and noted that the design team spent a month and a half to create the proposed design.

Discussion ensued relative to comments contained in the staff report and the fact that the applicant has created sufficient entry design features at the two major entries in addition to the corner entry; the fact that there are two existing developments, a Walgreen's and a Fry's that are both part of the Southeast Chandler Area Plan, and the Walgreen's does not have an entry feature and has a minimal corner entry and the Fry's also has a minimal corner entry and only two entry features at the main entry off of Riggs; the fact that the plan discourages parking at street intersections and the applicant's opinion that they have sufficiently limited the amount of parking that would be against the arterial and the number of spaces that remain is necessary for their uses; efforts on behalf of the applicant to enhance the landscaping and meet requirements; the applicant's opinion that an appropriate flow exists for the multiple pedestrian connections east to west and north to south; the fact that the design proposes three

connections to the public's sidewalk while Walgreen's and Fry's have only one; the fact that the proposal provides for shaded walkways on every pad for the shops and Major A; and the fact that although not shown on the plan, the applicant is proposing to have two above ground water fountains, one at the outside entry and one incorporated at the entry feature on the corner.

MR. MACIAS stated that the applicant intends to provide some type of sculpture that can be worked out with staff at a later date and pointed out that the proposal meets lighting requirements and will not impact neighbors. He added that as far as elevations, the plan far exceeds the requirements as well as the existing developments. He expressed the opinion that the proposal far exceeds the intent of the General Plan, meets 7 of the 11 Commercial Design Guidelines, and also exceeds anything that exists and will be a great addition to the community. He requested that the Council approve the request.

COMMISSIONER HEUMANN asked about phasing of the project and Mr. Macias responded that the site is 10 acres in size and has a 16% density factor. He added that a phasing plan has been provided which calls for Pad A, Pad B and Shops B, which exceeds the 25,000 square foot requirement for Phase 1. All of the on-site and off-site improvements, including landscaping and the landscaped pedestrian features would also be provided as first part of the phasing and an improved pad will be left for future use.

In response to a question from Commissioner Heumann, **MR. MACIAS** said that the applicant is hoping to attract a business such as an Ace Hardware store to serve as the anchor.

MR. WEWORSKI noted that a Walgreen's drug store is located directly across the street and added that the Fry's building also contains a pharmacy. In addition, down the road at Riggs and Gilbert, the Albertson's market has a pharmacy and further north another Walgreen's pharmacy has been developed within a three-mile vicinity.

COMMISSIONER ANDERSON referred to the proposed sign at the corner of Riggs and McQueen and said that the rendering he saw had a totally different character than the rest of the signs proposed for the site. **MR. MACIAS** assured him that the applicant fully intends to match what has been shown throughout the center.

COMMISSIONER ANDERSON said that he would like a stipulation added that no drive-through will be allowed at the Major A location based upon its close proximity to neighbors. **MR. MACIAS** agreed to the stipulation.

COMMISSIONER ANDERSON expressed the opinion that the turf proposed around the site is a huge waste and **MR. MACIAS** explained that the applicant was attempting to comply with the agrarian theme. He added that modifications could be made and the applicant is willing to work with staff on reducing the amount of turf.

There were no citizens in the audience wishing to speak on this item.

VICE CHAIRMAN FLANDERS said that he does not have any problem with the Eckerd's on the corner but as far as the rest of the shopping center goes, there is nothing unique about it and agrees with staff. He said that he would not support the proposal as it currently stands.

CHAIRMAN RYAN expressed the opinion that the problem with the site plan, as with many of these corner commercial site plans, is that the smaller corner pad stores, the drug stores, are starting to drive

the traffic circulation and the site planning throughout the rest of the project and added that this is a prime example of that. He agreed that the site plan could be improved and noted its lack of creativity.

COMMISSIONER HEUMANN concurred with the Chairman's remarks and suggested that the proposal go through the Design Review Board process in an effort to work through some of the issues.

COMMISSIONER IRBY also agreed with the previous comments and indicated that he would like to see a plan that allows people to drive in and flow through the site comfortably. He discussed the proposed pedestrian circulation system and stated the opinion that not enough landscape area exists to support the trees, allow them to grow properly and provide shade. He said he would like the case to go before the Design Review Board in an effort to determine whether the issues can be worked out and alternative site plans can be developed. He added that from an architectural standpoint, he thinks the buildings look good but it is a matter of getting the site to flow and allowing pedestrians and cars to move through the site comfortably.

MOVED BY VICE CHAIRMAN FLANDERS THAT PDP03-0016 RIGGS LANDING BE SENT TO THE DESIGN REVIEW BOARD FOR REVIEW AND THAT THE CASE BE CONTINUED TO THE NOVEMBER 19, 2003 MEETING.

MR. MACIAS said that although the applicant can understand the Commissioners' points of view, they do not feel that they have any other solutions to offer to the Design Review Board. He requested that the Commission render a decision at this time one way or another.

COMMISSIONER HEUMANN SECONDED THE MOTION.

VICE CHAIRMAN FLANDERS reiterated that the site plan does not engage the street or allow pedestrians to enter the site and walk around it, which is one of the things the Southeast Chandler Area Plan strives to achieve.

MOTION CARRIED UNANIMOUSLY (7 to 0).

G. UP03-0041 L.A. CHEMICAL COMPANY, L.L.C

Planner 1 **THOMAS RITZ** said that this request is for Use Permit approval for a chemical bulk storage and distribution facility in a recently constructed building located at 6750 West Boston Street, Building B, in a General Industrial (I-2) zoning district. The applicant intends to use the building for warehouse purposes only, there will not be any custom blending within the site. The building was constructed by Great Western Chemical Company for the storage of hazardous materials but it was not used for that purpose by the company and remained vacant for some time. It is partially being used by L.A. Chemical for strictly non-hazardous materials. No modifications are being proposed for either the existing building A or the internal storage tanks, both of which were approved by Use Permits in 1989. The majority of the materials that are going to be stored consists of non-regulated dry material, with some storage. The largest storage tanks proposed inside of building B will be 330-gallon Intermediate Bulk Containers (IBC). The other inside storage tanks, also classified as IBCs, will be between 119 and 330 gallons. Planning staff has worked with the Chandler Fire Department and reviewed a Hazardous Materials Inventory Statement for L.A. Chemical that they maintain and update and they have advised that there have not been any incidents at the present location. The company will not be adding anything to building B that is not already in building A and will not change the nature of the chemicals at their current location as covered in the current Hazardous Materials Management Plan on file with the Chandler Fire Department.

MR. RITZ stated that staff, upon finding consistency with the General Plan, recommends Use Permit approval for chemical bulk storage and distribution with the General Industrial (I-2) zoning district subject to the following conditions:

1. Compliance with the City of Chandler's Fire Department provisions with regard to the Hazardous Materials Management Plan
2. Development shall be in substantial conformance with all attached exhibits, except as modified by condition herein.
3. Any enlargement of the building or increase in the size or number of outdoor storage tanks shall require a new Use Permit.
4. There shall be no outdoor storage in conjunction with this Use Permit.

In response to a question from **COMMISSIONER SCHMIDT**, Mr. Ritz clarified that staff's memo to the Commission contains recommended stipulations for approval. He said it puts forth recommendations that the building not be used for processing or for operations generating wastewater. He discussed difficulties with setting quantity limits at this point in time and noted that the 38,000 square foot building has a 20-foot ceiling height, limited by the sprinkler system, and aisle widths are 10 to 13 feet to accommodate forklifts.

COMMISSIONER SCHMIDT stated that she would like to see a stipulation added that requires the applicant to come back to the Commission if they are contemplating the storage or distribution of additional chemicals to ensure that the Use Permit knowingly covers the type of chemicals that are in the building. She added that she agrees that another stipulation prohibiting processing at that site should be added and concurred that it would be difficult to set storage limits at this time.

In response to a question from **CHAIRMAN RYAN**, Mr. Ritz advised that stipulation No. 4 prohibits outside storage and added that stipulation No. 3 says that any enlargement of the building or increase in the size or number of outdoor storage tanks will require a new Use Permit.

WARD HOLLON, an architect with Gerald Deines Architects, 5801 S. McClintock, Tempe, stated the opinion that the applicant would have a problem with the proposed stipulation regarding coming back before the Commission if additional chemicals were stored or distributed. He noted that the building is classified as H-7 and under the new IBC it would be H-4, which allows physical hazardous materials. He said if they bring in other chemicals that are the same hazardous type, it does not make sense to have to apply for a new Use Permit as long as all the regulations are being met for the type of materials they are storing and/or distributing. He added that this would result in a hardship and asked the Commissioners to reconsider this matter.

COMMISSIONER SCHMIDT said that Mr. Hollon made a good point and she agrees. She stated that if there is going to be a different use intended for the property, a different classification, then the applicant should appear before the Commission.

MR. HOLLON said it is his understanding that this means only if the use classification changes and Commissioner Schmidt concurred. He agreed with this requirement.

In response to a question from **VICE CHAIRMAN FLANDERS**, **MR. RITZ** stated that in the event that additional chemicals are added to the facility, they would be included in the Plan that is on file at the Fire Department. He added that the plan is updated on a monthly basis utilizing the Fire Department's electronic format and forwarded to them.

VICE CHAIRMAN FLANDERS posed questions relative to hazardous spills and containment and Mr. Hollow stated that when they originally built, the north part was going to be H-3 and H-7 and the H-3 was going to be done with self-contained vessels approved by the Fire Department. He added that Great Western decided not to do that and now all they are seeking is H-4, which is physical hazardous. He said that since those containers "went away," the Fire Department has visited the site and the building permit now allows them to add containment curves, etc. inside of the building and to change the ventilation system to ensure it complies with City codes. He added that as far as chemical spills at the truck docks, when the building was constructed they put in a high-density polyethylene liner that is under the footings and under the truck docks. He noted that inspections are required so monitoring does take place and said that the parking area on the west side of the building utilizes an existing containment system (underground tanks) and explained the process that is in place.

In response to a question from **COMMISSIONER HEUMANN** relative to whether staff would like to see a one year time limit placed on the approval, **MR. RITZ** responded that they do not believe that a time limit is necessary.

MR. RITZ explained that the Use Permit is for an unlimited amount of time unless stipulated otherwise or unless non-compliance with any of the stipulations occurs, which would cause the case to be brought forward before the Commission.

COMMISSIONER SCHMIDT said if there was an incident of a spill for example, it is her understanding that the Commission could re-evaluate the Use Permit at that time. **MR. RITZ** stated that a stipulation to that effect could be added and Commissioner Schmidt indicated her support for the addition of such a stipulation.

MR. HOLLON pointed out that the Fire Department conducts extensive inspections at the site and the business is very heavily regulated. He added the opinion that if something were to happen, the City would be aware of it and appropriate action would be taken.

COMMISSIONER SCHMIDT commented that although there are other governmental agencies who oversee this type of operation, she would still like the Use Permit to be conditional upon compliance with the other requirements and if an incident were to occur, she would like the ability to re-evaluate the Use Permit.

CHAIRMAN RYAN noted that no one was present in the audience to speak in opposition and called for a motion.

MOVED BY COMMISSIONER SCHMIDT, SECONDED BY COMMISSIONER HEUMANN, that **UP03-0041 L.A. CHEMICAL COMPANY, L.L.C.** **BE APPROVED** subject to the stipulations recommended by Staff and the following two stipulations: (1) no processing of chemicals will occur at the facility, and (2) that there be no change in the H-7 classification of the chemicals that are being stored and/or distributed.

In response to a question from **CHAIRMAN RYAN**, **COMMISSIONER SCHMIDT** stated that rather than imposing a time limit, the approval is subject to compliance and if incidents occurred at the

facility and emphasized that the Commissioners have the ability to re-evaluate the Use Permit. **CHAIRMAN RYAN** stated that a similar condition is already included as part of the Use Permit.

THE MOTION WAS SECONDED BY COMMISSIONER HEUMANN AND CARRIED UNANIMOUSLY. (7 to 0)

6. DIRECTOR'S REPORT

Mr. Kurtz announced Planning and Development's Annual Fall Picnic on Wednesday, October 22, 2003 at Desert Breeze Park. The Planning and Zoning Commission is invited to attend.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting will be held on November 5, 2003 at 5:30 p.m. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

CHAIRMAN RYAN adjourned the meeting at 7:45 p.m.

Phil Ryan, Chairman

Douglas Ballard, Secretary

MINUTES OF THE NOVEMBER 5, 2003 PLANNING AND ZONING COMMISSION MEETING
OF THE CITY OF CHANDLER, ARIZONA, in the Council Chambers, 2nd Floor, Chandler Public
Library, 22 South Delaware Street.

VICE CHAIRMAN FLANDERS called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance was led by Commissioner Anderson.

3. The following Commissioners answered Roll Call:

Mr. Michael Flanders	Ms. Shiela Schmidt
Mr. Rick Heumann	Mr. Brett Anderson
Mr. Mark Irby	

Absent & Excused: Chairman Phil Ryan and Commissioner Jeanette Polvani

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principle Planner
Mr. Geir Sverdrup, Planner II
Mr. Kevin Mayo, Planner
Mr. Thomas Ritz, Planner
Ms. Ashley Bailey
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES:

MOVED BY COMMISSIONER HEUMAN, seconded by **COMMISSIONER SCHMIDT**,
to approve the minutes of the Regular Meeting of October 15, 2003. **MOTION CARRIED
UNANIMOUSLY** by those present (5 to 0).

5A. CONSENT AGENDA:

JEFF KURTZ, CURRENT PLANNING MANAGER, stated that there are eight items on the agenda. Seven of the items are on the Consent Agenda. The one item that is scheduled for the Action Agenda is item "D", which is Use Permit UP03-0039 Sam's Smoke 'N' Stuff. To the audience, Mr. Kurtz read into the record the items that Planning Commissioner has scheduled for the Consent Agenda. The Planning Commission will act on the Consent Agenda with one motion. He further stated that if anyone in the audience or anyone of the Commissioners have any questions on these items, they needed to please state so at the conclusion of his reading.

The first item on the Consent Agenda is Item A Rezzonico Dairy case. This is a request for rezoning from Agricultural to PAD for an 83-lot single-family subdivision, including Preliminary Development Plan and Preliminary Plat. This is property that is located at the SEC of Germann and Arrowhead roads. Staff is recommending two additional conditions and one amended condition for consideration:

The amended condition is Condition No. 16, which is amended to read:

“The front yard shall be set back to a minimum stagger of 4 to 6 feet.”

Condition No. 17 will be:

“The applicant shall work with staff to design subdivision walls that provide visual interest and view fencing that is pool compliant.”

An additional condition, Condition No. 18, is:

“The applicant shall work with staff to provide traffic calming on Gardner Drive.”

The next item for the Consent Agenda is item “B”, which is the QCH Industrial Park. This is a request for zoning extension on property that is zoned PAD for Industrial development that is located at the SWC of Queen Creek and Hamilton Street alignment.

The next Consent item is item “C”, which is the Heriberto Reyes Family Residence. This is a request for rezoning from Agricultural to SF-33 for development of a single-family residence on property located at 876 E. Willis Road. Staff is recommending an additional Condition No. 8, which would read:

“The applicant shall install the front yard landscaping with 180 days from receipt of a Certificate of Occupancy.”

The next Consent item is item “E”, which is Adesa Phoenix. This is a request for Use Permit approval to locate two modular buildings within an I-1 zoning district at 400 N. Beck Avenue.

The next Consent item is item “F”, which is Dogone Good. This is a Use Permit request for an indoor pet boarding on a business located at 1926 N. Arizona Avenue.

The next item is item “G”, which is a Use Permit request by Ironwood Clubhouse and Golf Course to convert their existing liquor licenses to allow a Use Permit for a Series 12 Restaurant license in the Country Club, and also a Series 7 beer and wine bar license for the Golf Course. The property is located at 550 W. Champagne. For the Commissions interest and for the record, there was dialogue with a residence during the break between the Study Session and the meeting. The citizen had some concerns and wanted the record to reflect that she had some concerns, but is currently in discussions with the applicant and the operator, and did not have any further testimony. She wanted to have this passed on to Commission.

Mr. Kurtz stated that the last item on the Consent Agenda is a Use Permit for Holiday Inn at Ocotillo. This is a request for Use Permit approval to sell liquor with a Series 11 license at a new hotel located at 1200 W. Ocotillo Road.

A. DVR03-0010/PPT03-0005 REZZONICO DAIRY (HOMESTEAD PARK)

APPROVED, a request for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD). Upon finding consistency with the General Plan and the Clemente Ranch Area Plan, Staff recommends approval to rezone from AG-1 to PAD (residential) with the PDP approval subject to the following conditions:

1. Right-of-way dedications to achieve full half widths for all streets, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Homestead Park development shall use treated effluent to maintain open space, common areas, and landscape tracts.

5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.

7. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Homestead Park" kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0010, except as modified by condition herein.
8. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association. Eleven additional trees shall be added to the landscape area on the west side of the Germann Road entry.
10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
11. The homes shall have all copper plumbing for those lines under water pressure.
12. All homes built on corner lots along Gardner Drive shall be single story.
13. The same elevation shall not be built side-by-side. When the same elevation is across the street from another same elevation, a different color/material scheme shall be used.
14. Add a diversity feature to cul-de-sacs.
15. Provide view fencing into retention basins.
16. Stagger front yard setbacks a minimum of 6'

Upon finding the consistency with the Subdivision Diversity Standards and the Clemente Ranch Area Plan, Staff Recommends approval of the Preliminary Plat subject to the following stipulation:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.
2. Provide street stub-out on west property line to connect with future development on the Dugan Dairy parcel.

B DVR03-0022 QCH INDUSTRIAL PARK

APPROVED, upon finding consistency with the General Plan and Chandler Airpark Area Plan, staff recommends approval to extend the timing condition for three (3) years with all the conditions in the original approval remaining in effect.

C. DVR03-0023 THE HERIBERTO REYES FAMILY RESIDENCE

APPROVED, a request for rezoning from Agricultural District (AG-1) to Single-Family District (SF-33) for a single-family residence on approximately 0.83 acres. Upon finding consistency with the General Plan, Staff recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with the attached exhibits, kept on file in the City of Chandler Current Planning Division, in file number DVR03-0023, except as modified by condition herein.

2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owner's association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
5. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The home shall have all copper plumbing for those lines under water pressure.
7. Right-of-way dedications to achieve full half width for Willis Road, per the standards of the Chandler Transportation Plan.

E. UP03-0046 ADESA, PHOENIX

APPROVED, a request for Use Permit to locate two modular buildings within an I-1 Zoning District. Staff, upon finding consistency with the General Plan, recommends Use Permit approval to locate two modular units with an I-1 zoning district subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. Three existing modular buildings shall be removed within 30 days from the date of City Council approval. Continuation beyond the expiration date shall require re-application to and approval by the City of Chandler.

F. UP03-0048 DOGONE GOOD

APPROVED, a request for Use Permit approval to provide indoor animal boarding services within a pet grooming and retail store. Staff, upon finding consistency with the General Plan, recommends Use Permit approval to provide animal boarding services within a pet grooming and retail store subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store location.

3. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

G. UP03-0052 IRONWOOD CLUBHOUSE AND GOLF COURSE

APPROVED, a Use Permit approval for a Series 12 Restaurant License at Ironwood Country Club as well as a Series 7 for the Ironwood Golf Club. Staff, finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license and a Series 7 license, and any change in type of licenses shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Site Plan and Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Sale of alcohol for off premise consumption is prohibited.

H. UP03-0051 HOLIDAY INN AT OCOTILLO

APPROVED, a request for Use Permit approval to sell liquor (Series 11 Hotel/Motel License) at a new hotel. Staff, finding consistency with the General Plan, recommends approval subject to the following conditions:

1. The Use Permit is for a Series 11 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER IRBY, TO APPROVE THE CONSENT AGENDA with the additional stipulations as read by Staff. MOTION WAS APPROVED (5-0).

5B. ACTION ITEMS:

KEVIN MAYO, PLANNER I, stated that the action item before them, item "D" Use Permit, UP03-0039 Sam's Smoke 'n' Stuff is a request for Use Permit approval to sell liquor, beer and wine only, for off premise consumption only under a Series 10 Liquor License at an existing convenience store at 411 S. Arizona Avenue, Suite 2. The existing convenience store is located right on Arizona Avenue within a C-3 Commercial zoning district. The convenience store specializes in smoking and smokeless tobacco as well as all tobacco related products, in addition to the general retail items such as snacks, candy, and beverages. Mr. Mayo went on to explain that a Series 10 license allows for off premise consumption only, items to be sold in an unbroken container and taken away from the premises. The business hours of operation are Monday through Saturday 6:00 a.m. to 12:00 a.m., and on Sunday from 8:00 a.m. to 12:00 a.m. Staff recommends approval of this Use Permit.

COMMISSIONER RICK HEUMANN requested Mr. Mayo to give him a history of the property. Mr. Mayo stated that prior to the time the applicant took possession of the store in July, it was an existing smoke shop. The applicant purchased the store from the owner. Prior to that it was a used clothing store, and prior to that it was a tattoo parlor, and prior to that a used clothing store.

COMMISSIONER RICK HEUMANN then requested a map showing how many other establishments in that area have beer and wine licenses. Mr. Mayo pointed out that the map shows Arizona Avenue running north and south, Chandler Boulevard, and Pecos Road. From there, along Arizona Avenue, there are seven existing establishments that sell liquor either under a Series 10 license or a Series 6 license. There are actually eight, including the Mobil gas station, which he had forgotten to point out. Mr. Mayo stated that the eighth is a Series 10 license for beer and wine only.

COMMISSIONER HEUMANN asked if, in relationship to other areas of town, if this is heavier or lighter than other places in town. Mr. Mayo stated that Arizona Avenue is a bit different animal than other areas of town because of the C-3 Commercial zoning all the way up and down, and we usually concentrate commercial uses at the corners of arterial roads, so it's slightly different. If you would look at a number of businesses within a normal arterial road intersection where you've got commercial on three or four corners, it would be similar. There would be various restaurants, convenience stores; the grocery stores have Series 10 licenses, and such.

COMMISSIONER HEUMANN asked if there had been any police calls for service. Mr. Mayo stated that there had been no calls. At 411 S. Arizona Avenue, Tang's is in Suite 1 and Sam's Smoke 'n' Stuff is Suite 2, and there have been no police calls to those two establishments.

COMMISSIONER HEUMANN asked about parking. Mr. Mayo stated that there is no parking on site; there are four spaces along Arizona Avenue, which serves the suites along the road.

COMMISSIONER ANDERSON commented that on a previous case he had brought up pedestrian traffic along Arizona Avenue, crossing back and forth across the street. He questioned if anyone had looked into this matter any further, or if there have been issues or accidents. Mr. Mayo stated that there were none that he was aware of.

HOSAM ABDELMAKSoud, 411 S. Arizona Avenue, of Sam's Smoke 'n' Stuff. **COMMISSIONER HEUMANN** asked the applicant how long the shop was a tobacco shop before he bought the establishment in July. Mr. Abdelmaksoud stated that from 25 January he had started to do remodeling, because he had worked in the shop before as an employee, and it had been a smoke shop. Mr. Mayo stated that, according to Tax and Licensing, it was a smoke shop as of October 11, 2002. **COMMISSIONER HEUMANN** asked the applicant what other items were sold besides tobacco products. Mr. Abdelmaksoud stated that he sells candy, soda, watches, hats, perfume, jewelry, and small gifts. He went on to state that he had been asked why his store was not selling beer and wine since he was open such long hours. He further commented that the smoke shop was not making enough, and only a small profit. He works from 6 in the morning until 12:00 at night, alone, and he needed some help to make something of his life.

COMMISSIONER HEUMANN stated that there had been some phone calls regarding this application. Mr. Mayo stated that there had been two calls in opposition. One was from a neighboring business that sold alcohol, did not want to disclose which business it was, but it was a local business. The other was a local business owner. It did not have anything to do with the alcohol, but was voicing his concern about the vagrancy up and down Arizona Avenue, and the alcohol consumption in the

neighborhood. **COMMISSIONER HEUMANN** asked what the hours were of the business operation next door, to which Mr. Mayo stated he did not know.

COMMISSIONER HEUMANN stated that he would make a motion. He commented that he had not seen a time stipulation, and based on the hours of operation and the mix, he stated he wanted to add stipulation no. 4 for a time stipulation of one year for a Use Permit.

COMMISSIONER HEUMANN stated he had some concerns about the Use Permit. He said by adding a one year time stipulation, it will give the Commission a chance to revisit the Use Permit. He went on to state that he was concerned that two businesses side-by-side selling beer and wine. He felt that it was a good compromise to allow the applicant to enjoy a healthier business.

MOVED BY COMMISSIONER HEUMAN AND SECONDED BY COMMISSIONER ANDERSON TO APPROVE UP03-0039 SAM'S SMOKE 'N' STUFF with the added stipulation no. 4 that the Use Permit shall be valid for one year. **MOTION WAS APPROVED (4-1) with ONE (1) VOTE IN OPPOSITION (COMMISSIONER SCHMIDT.)**

6. DIRECTOR'S REPORT

Mr. Kurtz announced there was no report at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting will be held on November 19, 2003 at 5:30 p.m. in the Council Chambers, 2nd Floor, Chandler Public Library, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT

VICE CHAIRMAN FLANDERS adjourned the meeting at 5:47 p.m.

Phil Ryan, Chairman

Douglas Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, November 19, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Ryan called the meeting to order at 5:35 P.M.
2. Pledge of Allegiance lead by Commissioner Irby.
3. The following Commissioners answered Roll Call:

Mr. Phil Ryan	Mr. Michael Flanders
Ms. Jeanette Polvani	Mr. Rick Heumann
Mr. Mark Irby	Ms. Shiela Schmidt

Absent & Excused: Mr. Brett Anderson

Also Present:

Mr. Doug Ballard, Planning & Development Director
Mr. Garrett Newland, Economic Development Director
Mr. Hank Pluster, Long Range Planning Manager
Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principal Planner
Mr. Geir Sverdrup, Planner II
Mr. Thomas Ritz, Planner
Ms. Jodie Novak, Planner
Mr. Kevin Mayo, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY MR. FLANDERS, seconded by MR. HEUMANN, to approve the minutes of the November 5, 2003 meeting. MOTION CARRIED UNANIMOUSLY (6 to 0).

5. CONSENT AGENDA

CHAIRMAN RYAN recommended Item B - the Santan Gateway, Item C - Beazer Homes, Item D - Estates at McQueen, Item F - Flora Tech Building, Item G - Abralee Meadows, Item H - Layton Lakes Community Recreation Center, Item I - Mi Amigo's Foodmart, Item J - Valley Christian High School, and Item K - Site 7 Redevelopment Plan, be approved on the Consent Agenda.

JEFF KURTZ, CURRENT PLANNING MANAGER, read into the record additional stipulations:

ITEM B, SANTAN GATEWAY:

Condition No. 19: *"The signs shall include routed out letters only and the sign panels shall not be plastic, Plexiglas, or vinyl type."*

Condition No. 20: *"The applicant shall work with staff to modify the monument sign's design to include materials, shapes, forms, colors, and other architectural details found on the main building. The sign panels on the south side of the Santan Freeway shall be limited to four maximum."*

Condition No. 21: *"The freeway monument sign height shall not exceed 65 feet."*

Condition No. 22: *"The parking lot planter islands, when combined with pedestrian sidewalk and planter islands at the end of parking rows, shall be increased in width to always maintain a 9-foot wide landscape area exclusive of the sidewalks."*

Condition No. 23: *"Additional enhanced paving markers shall be located in a walkway between Majors B and Anchor A."*

Condition No. 24: (Mr. Kurtz noted that he would come back to this item after clarification from Commission.)

Condition No. 25: *"The south side of the development shall be limited to two, four-panel multi-tenant signs, one for street frontage, and the north side development shall be limited to one, four-panel tenant sign on each arterial street (Arizona Avenue and Pecos Road) up to 15' feet in height. The south side of the development shall be limited to one, 6' high gasoline monument sign on each street frontage."*

Condition No. 26: *"The developer shall work with staff to provide an integrated bus shelter designed to the degree possible in conjunction with ADOT standards along Arizona Avenue."*

Condition No. 27: *"Additional trees in shaded areas to be provided at Anchor B entrance area."*

Condition No. 28: *"Additional trees in shaded areas shall be installed along Anchor A and B colonnades."*

MR. KURTZ stated that he wanted to go back to Condition No. 24. During Study Session, it was discussed about adding Date Palms along the boulevard entrance. Mr. Kurtz asked Commission for clarification if the only issue was adding Date Palms, or was the issue still remaining about making that a boulevard along the entire length. **CHAIRMAN RYAN** stated that Commission has conceded to accept just the Date Palms in planting areas. In view of this, Mr. Kurtz stated that Condition No. 24 would read:

"Add four additional date palms to each side of the boulevard entrance from the roundabout to Anchor A."

MR. HEUMANN asked for clarification on stipulation 18 stating that Commission had changed the wording on "It's a Big Deal" because it's part of the Sam's Club logo. Mr. Kurtz stated that therefore, "It's a Big Deal" would be struck from stipulation 18.

ITEM F – FLORA TECH BUILDING

Condition No. 6: *"The parking lot screen trees along the south and east property lines shall be placed in a combination of a 4-foot deep planter and half-diamond planter with details to be worked out with staff."*

Condition No. 7: *"The trees along the south and east property line shall be a mix of thornless Chilean mesquite and Sissoo trees."*

Mr. Kurtz went on to say that **ITEM K – SITE 7 REDEVELOPMENT PLAN** is for the record. Staff's recommendation is for Commission's motion on this item to be: **"Move to recommend approval of the Site 7 Redevelopment Plan as set forth in the attached, with the additional provisions that the portion designated for retail as set forth on the Plan also include potential office use in the interest of further diversifying the mix of uses for the downtown development, and further based upon finding that conformance with the Chandler General Plan as recommended by staff."** This would be the motion that a Consent motion would place into the record.

B. DVR03-0020 SANTAN GATEWAY

APPROVED, a request for rezoning from Regional Commercial District (C-3) and General Industrial District (I-2) to Planned Area Development (PAD) for a commercial center including a Large Single Use Retailer with Preliminary Development Plan on approximately 60 acres. The development includes two parcels, the southeast corner of Arizona Avenue and Pecos Road and the northeast corner of Arizona Avenue and Willis Road. Major anchor tenants may include a Wal-Mart Supercenter and a Sam's Club, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Santan Gateway - Development Booklet," kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0020, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths for Pecos Road and the north and south sides of Willis Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan. The development shall construct the full-width right-of-way for Willis Road.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a property owners' association.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
10. The exhibits and representations submitted herein are found to be in compliance with the requirements for Preliminary Development Plan approval. However, this does not constitute approval of the PAD Final Development Plan (Site Development Plan) by the Zoning Administrator.
11. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
12. Sign panels on the monument signs shall have a decorative panel with tile or stone until a tenant name is located on the sign.

13. The freestanding pads along the perimeter of the development shall carry an equal architectural level of detail on all four sides as the main center.
14. The development shall provide sound attenuation measures in accordance with ADOT standard details and requirements. Any noise mitigation if required is the responsibility of the development.
15. The development shall provide additional landscaping to include one (1) 24-inch box tree and three (3) 5-gallon shrubs for every 20 feet of freeway frontage to be installed in the freeway right-of-way.
16. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.
In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Santan Gateway development shall use treated effluent to maintain open space, common areas, and landscape tracts.
18. Advertising signs, including "We Sell For Less", "Low Prices", "Always", and "It's a Big Deal", on Anchor A (Wal-Mart Supercenter) and Anchor B (Sam's Club) are not permitted.

C. PDP03-0026 SUN GROVES PARCEL 23 (BEAZER HOMES)

APPROVED, a request for Preliminary Development approval for housing products for 92 lots located on approximately 31 gross acres, Parcel 23 within the Sun Groves residential subdivision. This property is located a quarter-mile north of the northwest corner of Val Vista Drive and Hunt Highway, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Beazer Homes - Preliminary Development Plan for Housing Product", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0026, except as modified by condition herein.

2. Compliance with the original stipulations adopted by the City Council as Ordinance 2943, case PL98-158 Sun Groves, except as modified in condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story including lots 1607, 1612, 1613, 1621, 1622, 1637, 1638, 1651, 1652, 1659, 1665, 1666, 1673, 1674, 1682, 1683, and 1698.
4. The same front elevation shall not be built side-by-side or directly across the street from one another.
5. For lots adjacent to Val Vista Drive and Sun Groves Boulevard, two-story homes are limited to
6. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
7. No more than two adjacent lots shall have identical rear elevation rooflines visible from arterial streets.

D. PDP03-0028 ESTATES AT MCQUEEN

APPROVED, a request for Preliminary Development Plan approval for housing products for 40 custom home lots located on approximately 20 acres. This property is located one quarter-mile south of the southwest corner of Ocotillo and McQueen Roads, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit "A", Development Booklet, entitled, "Estates at McQueen Preliminary Development Plan", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0028, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3166, case DVR00-0003 Estates at McQueen, except as modified in condition herein.
3. No more than two adjacent lots shall have identical rooflines on the rear elevation visible from arterial streets.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
5. All housing plans shall provide standard rear yard covered patios.
6. No more than two, two-story homes shall be built side-by-side.
7. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
8. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a future heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby a future heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
9. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing landfill and future transfer station that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby an existing landfill and future transfer station, and

the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

F. PDP03-0036 FLORA TECH BUILDING

APPROVED, a request for Preliminary Development Plan (PDP) approval for site layout and building architecture for an industrial building located at 291 E. El Prado Ct., within the Westech Corporate Center, subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 WESTECH PAD.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "FLORA TECH BUILDING" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0036, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

G. PDP03-0037 ABRALEE MEADOWS

APPROVED, a request for Preliminary Development Plan approval for housing product for an approximately 287-lot single-family residential subdivision on approximately 105 acres. The property is located west of the southwest corner of Queen Creek Road and Gilbert Road, subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3297, in case DVR01-0020 ABRALEE MEADOW, except as modified by condition herein
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Abralee Meadows aka SunWest Trails" kept on file in the City of Chandler Current Planning Division, in file no. PDP03-0037, except as modified by condition herein.
3. The same front elevation shall not be built on adjacent or opposite lots.
4. Staggered front and rear building setbacks for adjacent house locations shall occur throughout the entire subdivision.
5. For lots adjacent to Queen Creek Road, Emmett Drive, and Markwood Drive two-story homes are limited to every third lot.
6. When two-story homes are built on adjacent lots, a 20-foot separation of the two-story elements shall be provided between homes.

7. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a future heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby a future heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
8. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing landfill and future transfer station that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby an existing landfill and future transfer station, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

H. PDP03-0032 LAYTON LAKES – COMMUNITY RECREATION CENTER

APPROVED, a request for Preliminary Development Plan (PDP) approval for site layout and building architecture for a community recreation center located at the SEC of Queen Creek Road and the RWCD Eastern Canal, subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3250, in case DVR00-0025 LAYTON LAKES.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "LAYTON LAKES – COMMUNITY RECREATION CENTER" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0032, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

I. UP03-0049 MI AMIGO'S FOODMART

APPROVED, a request for Use Permit approval to sell liquor (beer and wine) for off-premise consumption only (Series 10 License) at a Grocery store located at 500 E. Chandler Boulevard, subject to the following conditions:

1. The Use Permit is for a Series 10 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. The Use Permit is not transferable to any other store location.
3. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.

J. UP03-0036 VALLEY CHRISTIAN HIGH SCHOOL

APPROVED, a request for Use Permit extension for continued placement of a temporary building for classroom use on the high school campus located at 6900 W. Galveston Street, subject to the following:

1. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to the City of Chandler and approval by the City of Chandler.
2. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.

K. SITE 7 REDEVELOPMENT PLAN

Request for approval of the Site 7 Redevelopment Plan in downtown Chandler bounded by Chandler Boulevard, Colorado Street, Buffalo Street, and Arizona Avenue.

“Move to recommend approval of the Site 7 Redevelopment Plan as set forth in the attached, with the additional provisions that the portion designated for retail as set forth on the Plan also include potential office use in the interest of further diversifying the mix of uses for the downtown development, and further based upon the finding that conformance with the Chandler General Plan as recommended by staff.”

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER IRBY, TO APPROVE THE CONSENT AGENDA with the additional stipulations as read by Staff, with Chairman Ryan abstaining on Item E “Markwood North”. **MOTION WAS APPROVED (6-0).**

6. ACTION ITEMS

7. DIRECTOR'S REPORT – no report.

8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for December 17, 2003, at 5:30 P.M. in the Council Chambers.

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9. ADJOURNMENT

The meeting was adjourned at 6:43 P.M.

Phil Ryan, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, December 17, 2003, held in the City Council Chambers, 22 S. Delaware Street.

1. Vice-Chairman Flanders called the meeting to order at 5:35 P.M.
2. Pledge of Allegiance lead by Commissioner Heumann.
3. The following Commissioners answered Roll Call:

Mr. Michael Flanders	Mr. Rick Heumann
Ms. Jeanette Polvani	Ms. Shiela Schmidt
Mr. Mark Irby	Mr. Brett Anderson

Absent & Excused: Chairman Ryan

Also Present:

Mr. Garrett Newland, Economic Development Director
Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principal Planner
Mr. Geir Sverdrup, Planner II
Mr. Kevin Mayo, Planner
Ms. Ashley Bailey, Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Secretary

4. APPROVAL OF MINUTES

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER SCHMIDT, to approve the minutes of the November 19, 2003 meeting. MOTION WAS APPROVED (5-0) with COMMISSIONER ANDERSON abstaining from voting.

5. CONSENT AGENDA

VICE-CHAIRMAN FLANDERS recommended that item A, B, D, E, F, G, and H be approved on the Consent Agenda.

JEFF KURTZ, CURRENT PLANNING MANAGER, read into the record **additional stipulations and modifications:**

A. **DVR03-0015 CHANDLER HEIGHTS MARKETPLACE**

- 11. "This approval does not constitute approval for the proposed three Pads. Approval of any Pads will be subject to a separate PDP approval."*
- 13. "The color palette shall be adjusted to provide complimentary backgrounds for the building signage. Details to be worked out with Staff."*
- 14. "The major A (Bashas') shall be permitted one 'Liquor' sign modifier on the East Elevation."*

B. DVR03-0021/PPT03-0017 123 WASHINGTON TOWNHOMES

14. *"All of the sloped tile roofs on the buildings shall have the same roof pitch used throughout the project."*
15. *"The applicant shall work with Staff to enhance the facades of the side elevations on all of the buildings through the use of varied materials, building features, and color combinations."*

C. DVR03-0031/PPT03-0015 VALENCIA II (T. W. LEWIS)

22. *"Prior to the time of making any lot reservations or subsequent sales agreements, the homeowner builder/lot developer shall provide a written disclosure statement for the signature of each buyer acknowledging that the subdivision is located adjacent to an RWCD unpaved maintenance road which is not in the City boundaries, which is not maintained by either the HOA or the City and currently has the maintenance responsibility with RWCD, existing ranchette and animal privilege properties, active dairy farms that may cause adverse noise, odors, and other externalities. The Public Subdivision Report and Purchase Contracts and CC&R's shall include a disclosure statement outlining the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. The responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice."* (At this point, Vice-Chairman Flanders notified Mr. Kurtz that a speaker card had been received from the audience and that this item would then become an Action item for discussion.)

E. PDP03-0041 THE FOUNTAINS AT OCOTILLO

8. *"The developer will work with Staff to enhance monument signs utilizing architectural elements found on the buildings."*

A. DVR03-0015 CHANDLER HEIGHTS MARKETPLACE

APPROVED, a request for amendment of the Southeast Chandler Area Plan, as well as a request for rezoning from County Rural 43 to Initial City Zoning Planned Area Development (PAD) for a commercial shopping center and commercial office development including Preliminary Development Plan (PDP) approval for site layout and building architecture for the main center of the commercial shopping center located at the northwest corner of Gilbert Road and Chandler Heights Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Heights Marketplace" kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0015, except as modified by condition herein.
2. Right-of-way dedications to achieve full half width for Gilbert and Chandler Heights Roads, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

3. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
4. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
6. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4 foot by 8 foot sign identifying what is being built and the estimated date of completion for the specified project. This information may be incorporated with the contractor's sign or the "Coming Soon" sign on the subject site.
9. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future

owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Hope Covenant Church development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. All perimeter landscaping shall be installed as a part of Phase I.
11. Pad A, Pad B and Pad C shall require a separate PDP approval.
12. The monument signs shall comply with the Sign Code. The monument signs shall have a maximum height of 14-feet and 6-feet, and with a maximum two (2) tenants per sign.

B. DVR03-0021/PPT03-0017 123 WASHINGTON

APPROVED, a request for rezoning from Community Commercial (C-2), Regional Commercial (C-3), and Multi-Family Residential (MF-1) to Planned Area Development (PAD) Multi-Family along with Preliminary Development Plan (PDP) and Preliminary Plat approval for a townhome complex for property bounded by Chandler Boulevard, Washington Street, Colorado Street, and Buffalo Street.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "123 Washington", kept on file in the City of Chandler Planning Services Division, in File No. DVR02-0021, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Chandler Boulevard, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.

8. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
9. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
10. All transformer boxes, meter panels and electric equipment, back-flow valves and any other utility equipment shall be painted to match the building color.
11. The landscaping in all open-spaces and rights-of-way shall be maintained by a homeowners' association.
12. The homes shall have all copper plumbing for those lines under water pressure.
13. The proposed Tipu trees (Tipuana Tipu) along Washington and Colorado Streets shall be replaced with Evergreen Elm (Ulmus Parvifolia) trees.

Upon finding the consistency with the General Plan and Redevelopment Plan, Staff recommends approval of the Preliminary Plat subject to the following stipulation:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

D. PDP03-0045 RENAISSANCE CLUBSPORT HOTEL

APPROVED, a request for Preliminary Development Plan approval for a hotel with conferencing facilities and fitness club located at the southwest corner of Price Freeway (SR 101) and Frye Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Renaissance ClubSport", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0045, except as modified by condition herein.
2. Completion of the construction of all required offsite street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard detail, and design manuals.
3. Sign packages, including free-standing signs as well as wall mounted signs, shall be designed in coordination with landscape plans, planting material, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape material.

4. The Galleria Way driveway shall be restricted to right-in, right-out movements only, or as otherwise approved by the Public Works Director.

E. PDP03-0041 FOUNTAINS AT OCOTILLO

APPROVED, a request for Preliminary Development Plan approval for an Office Condominium Development located at 3910-3940 S. Alma School Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Fountains at Ocotillo", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0041, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Sign packages, including free-standing signs as well as wall mounted signs, shall be designed in coordination with landscape plans, planting material, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape material.
5. There shall be no illumination of the Jacaranda Parkway monument sign or the tenant signs along the west side of Buildings B and C.
6. Completion of the construction, where applicable of all required off-street improvements including but not limited to paving, landscaping, curb, gutter, and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.

F. PDP03-0016 RIGGS LANDING

APPROVED, a Preliminary Development Plan approval for a shopping center with a corner pharmacy located at the northwest corner of Riggs and McQueen Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Riggs Landing", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0016, except as modified by condition herein.

2. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
3. The freestanding pads shall carry an architectural level of detail similar to front facades of main building.
4. Landscape plan shall add 3 trees at the southern driveway entrance off of McQueen Road to screen the Eckerd loading area.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. Sign panels on the monument signs shall have a decorative panel with tile or stone until a tenant name is located on the sign.
8. A water feature shall be provided in the site's center and public art/water feature shall be provided at the main street intersection.

G. PPT03-0016 THE VILLAS AT OCOTILLO

APPROVED, a request for Preliminary Plat approval of approximately 49 detached luxury condominiums on 12.1 gross acres located east of the southeast corner of Dobson Road and Ocotillo Road.

H. MOTION TO CANCEL JANUARY 7, 2004 PLANNING COMMISSION MEETING

APPROVED, a motion to cancel the January 7, 2004 Planning and Zoning Commission meeting.

MOVED BY COMMISSIONER HEUMANN, seconded by COMMISSIONER IRBY, TO APPROVE THE CONSENT AGENDA with the additional stipulations as read by Staff. **MOTION WAS APPROVED (5-0), with COMMISSIONER SCHMIDT ABSTAINING FROM VOTING ON ITEM A "DVR03-0015 CHANDLER HEIGHTS MARKETPLACE" DUE TO A CONFLICT OF INTEREST.**

6. ACTION ITEM:

C. DVR03-0031/PPT03-0015 VALENCIA II (T. W. LEWIS)

BOB WEWORSKI, PRINCIPAL PLANNER stated this is a request for rezoning from Agricultural to Planned Area Development along with Preliminary Development Plan and Preliminary Plat approval for a master planned single-family residential subdivision and also retail commercial development. The site is located in the Southeast Chandler area and is approximately 240-acres in size. It is a master planned development by the T. W. Lewis homebuilder. The builder is proposing an integrated subdivision layout with a commercial C-2

retail development on the intersection corner, which would be developed in a later phase. What has been provided is in conformance with the Southeast Chandler Area Plan, the General Plan, and also the Shadow Ridge Area Plan, which is a distinct Area Plan for that square mile. That Plan indicated was these particular land uses, the single-family residential, low density, the school and parks site, as well as the commercial at the corner. Also, the developer has provided a series of open space linkages that connects all these uses, a trail system, as well as an equestrian trail system along Lindsay Road that's part of the Southeast Chandler Area Plan. There's also an existing equestrian trail that occurs along the south end of this property as well. This site will be developed into six distinct neighborhood communities for residential portion, all bounded by a curvilinear collector street that bisects the site. A number of amenity features have been provided such as open space, trail linkages, lake features, a sense of neighborhood arrival, with monument features at Chandler Heights and Lindsay roads. The applicant is providing housing products along with the subdivision layout, which includes a plethora of housing products, floor plan, elevations, etc. They meet our Residential Development Standards as well as the Southeast Chandler Area character type features. The applicant has exceeded most of our standards that Staff looks for as far as minimum requirements for both subdivision layout as well as housing product. There have been some neighborhood notification meetings with the neighborhood in the adjacent area to discuss the proposal and any issues that may have come out of that meeting. Some of those issues were regarding the boundary of this site with the southern boundary and the ranchettes to the south of that. The applicants responded through stipulations to do some provisions to try to buffer that area between this site and the site to the south by raising the wall height to 8 feet tall, providing some mitigation of dust control along the RWCD canal, and a number of other things as well.

Staff recommends approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Valencia II", kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0031, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half widths for Lindsay Road and Chandler Heights Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and

Final Plats shall include a disclosure statement outlining that the Valencia II development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. An 8' tall screen wall, stucco and painted, shall be constructed along the southern boundary parcel 4, 7, and 8 as each parcel is developed.
12. Two story homes shall be prohibited in parcel 4.
13. Decomposed granite shall be added along the existing roadway in RWCD's right-of-way located on the south side of parcels 4, 7, and 8 (the area 20' north of the existing ranch properties along the project southern boundary) to mitigate dust pollution.
14. The side yard setbacks shall be a minimum of 5 feet and 10 feet.
15. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
16. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
17. The homes shall have all copper plumbing for those lines under water pressure.
18. All homes built on corner lots within the residential subdivision shall be single story.
19. The same elevation shall not be built side-by-side or directly across the street from one another.
20. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
21. For lots adjacent to an arterial street, two-story homes are limited to every third lot.
22. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to ranchette, animal privilege properties, and active dairy farms that may cause adverse noise, odors and other externalities. The subdivision is also located adjacent to an existing RWCD unpaved road which is not within City boundaries and is not maintained by either the homeowners association or the City. The RWCD road is maintained by the RWCD. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

23. At the time of sale, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the common landscape area along Lindsay Road is to be developed as a multi-trail system for use by the general public.
24. The commercial development standards shall be in accordance with the requirements of the Southeast Chandler Area Plan.

Upon finding the consistency with the Southeast Chandler Area Plan and the Shadow Ridge Area Plan, Staff Recommends approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

VICE-CHAIRMAN FLANDERS stated that this is a great development. He went on to say that a speaker card had been received and the request was for a bridal path along the southeast boundary of the development. The speaker was asked to come forward; however, the speaker said that she was not aware that the developer had already made accommodations for the southern boundary trail. She stated she was satisfied if they install the trail.

MR. WEWORSKI commented that this development is proposing a trail along Lindsay Road. Their property does not lie on the boundary south of this, which, through the Southeast Chandler Area Plan, indicates a trail connection. However, the Shadow Ridge development to the south is providing the improvement on the southeast portion.

MIKE CURLEY, 3101 N. CENTRAL, stated that there would be a trail along the south property line with the adjacent subdivision.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER POLVANI, to recommend to the Council that **DVR03-0031/PPT03-0015 VALENCIA II (T. W. LEWIS)** be approved subject to Staff stipulations and the modification of stipulation no. 22 as read into record. MOTION CARRIED UNANIMOUSLY (6 to 0).

7. DIRECTOR'S REPORT – no report. Mr. Kurtz wished everyone a very happy holiday.
8. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting was set for January 21, 2004, at 5:30 P.M. in the Council Chambers.

9. ADJOURNMENT

The meeting was adjourned at 5:55 P.M.

Michael Flanders, Vice-Chairman

Douglas A. Ballard, Secretary